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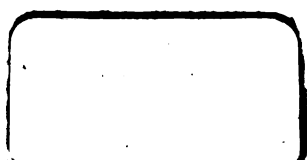
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B I L L S,

PUBLIC:

EIGHT VOLUMES.

—(7.)—

POOR RELIEF

TO

REGISTRATION OF DEEDS (IRELAND).

Session

31 January—15 August 1850.

7

VOL. VII.

1850.

B I L L S :

1850.

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A

B I L L

TO

Continue Two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the Twelfth Year of the Preamble.
Reign of Her present Majesty, intituled “ An Act to alter 11 & 12 Vict.
“ the Provisions relating to the Charges for the Relief of ^{c. 110.}
“ the Poor in Unions,” certain Provisions were made whereby the
5 Costs of the Relief and the Expenses of the Burial of certain poor
Persons therein described were made chargeable upon the Common
Fund of the Union until the Thirtieth Day of September in the Year
One thousand eight hundred and forty-nine: And whereas by an Act 12 & 13 Vict.
passed in the last Session of Parliament such Provisions were con- ^{c. 103.}
10 tinued in full Force until the Thirtieth Day of September in the Year
One thousand eight hundred and fifty, and to the End of the then
next Session of Parliament; and by the said last-mentioned Act other
Provisions for charging upon the Common Fund of the Union the Cost
of removing and maintaining certain lunatic Paupers were made to
15 continue in force for the like Period; and it is expedient that all the
472. A several

Certain Provisions of 11 & 12 Vict. c. 110. and of 12 & 13 Vict. c. 103. continued for a limited Time.

several Provisions aforesaid should be continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said several temporary Provisions in the said recited Acts above referred to shall continue in full Force until the *Thirtieth Day of September One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament.*

Burials of poor Persons dying in Workhouses.

II. And be it enacted, That it shall be lawful for the Guardians of any Union or Parish, if they shall think fit, to pay out of their Funds, with the Consent of the Poor Law Board, any Sum of Money for the Purpose of obtaining a Burial Ground to be duly consecrated for the Reception of the dead Bodies of poor Persons dying in the Workhouse of such Union or Parish, or to contribute, with such Consent as aforesaid, by way of voluntary Subscription, any Sum of Money towards the Enlargement of any Churchyard or consecrated Burial Ground in any Parish wherein or contiguous whereto such Workhouse shall be situated, or towards the obtaining of any such Burial Ground; and where any such Burial Ground shall have been or shall be so obtained by such Guardians, or enlarged or obtained with the Aid of their voluntary Subscription, it shall be lawful for them to bury therein the dead Body of any poor Person dying in such Workhouse which by the Laws for the Time being they can lawfully bury, unless by reason of the Request of the Deceased, or of the Husband or Wife or next of Kin of such deceased Person, they are bound to bury such Body elsewhere.

4 & 5 W. 4. c. 76. s. 62.

12 & 13 Vict. c. 103. s. 20.

Emigration of Orphans and deserted Children.

III. And whereas Authority is given by the Act of the Fifth Year of King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," for defraying, out of the Poor Rates of any Parish, the Expenses of the Emigration of poor Persons having Settlements in such Parish, and by the before-mentioned Act of the last Session the Guardians of any Union or separate Parish for which a Board of Guardians is or shall be established may, to a limited Extent, exercise the same Authority in and about the Emigration of poor Persons having Settlements in such Parish, or in any Parish of such Union respectively: And whereas poor Orphans and deserted Children having no Settlements, or whose Settlements are unknown, are frequently chargeable to Parishes, and it is expedient to furnish Means for the Purpose of facilitating the Emigration of such poor Orphans and deserted Children so being chargeable: Be it therefore enacted, That it shall be lawful for the Guardians of any Union or Parish, in like Manner and subject to the same Regulations,

Regulations, Limitations, and Restrictions as are contained in the said last-mentioned Act, but with the Consent in Writing of the Guardian or the Majority of the Guardians of the Parish of the Chargeability in place of the Parish of the Settlement, transmitted as
 5 therein specified, to expend Money in and about the Emigration of any poor Orphan or deserted Child under the Age of *Sixteen* Years having no Settlement, or the Place of whose Settlement shall not be known, who may be chargeable to some Parish in their Union or to their Parish respectively, and such Guardians shall charge the
 10 Expense so incurred to the same Parish to which such Orphan or deserted Child was chargeable at the Time of the Emigration; and where any such Orphan or deserted Child shall be chargeable to the Common Fund of any Union, the Guardians of such Union shall have the same Powers (subject to the same Conditions) to procure
 15 or assist in procuring the Emigration of any such last-mentioned Orphan or deserted Child as they have with regard to poor Persons rendered irremovable by virtue of an Act of the Tenth Year of Her Majesty, intituled "An Act to amend the Laws relating to the
 " Removal of the Poor."

11 & 12 Vict.
 c. 110. s. 5.
 9 & 10 Vict.
 c. 66.

20 IV. And be it enacted, That where any married Woman being lunatic shall be duly removed to any Asylum, licensed House, or registered Hospital under any of the Statutes in such Behalf, any Two Justices having Jurisdiction in the Place wherein the Husband of such Lunatic shall dwell, upon Application by or on behalf of the
 25 Guardians of the Union or of the Parish having a separate Board of Guardians, or the Overseers of the Parish to which Union or Parish respectively such Lunatic shall be or become chargeable, may summon such Husband to appear before them to show Cause why an Order should not be made upon him to maintain or contribute
 30 towards the Maintenance of his Wife in such Asylum, licensed House, or registered Hospital; and upon his Appearance, or in the event of his not appearing, upon Proof of due Service of such Summons upon him, such Justices may (if they think fit) make an Order upon him to pay such Sum, weekly or otherwise, for or towards the Cost of
 35 the Maintenance of such Lunatic, as after Consideration of all the Circumstances of the Case shall appear to them to be proper, and determine in such Order how and to whom the Payments shall from Time to Time be made, which Order shall, if the Payments required by it to be made be in arrear, be enforced in the Manner prescribed
 40 by the Statute passed in the Twelfth Year of the Reign of Her Majesty, intituled "An Act to facilitate the Performance of the
 " Duties of Justices of the Peace within England and Wales with
 " respect to summary Convictions and Orders," for the enforcing of Orders of Justices requiring the Payment of a Sum of Money.

An Order for paying the whole or Part of the Cost of Maintenance of a lunatic married Woman maintained in any Lunatic Asylum, licensed House, or registered Hospital, and chargeable to any Union or Parish, may be made upon her Husband.

11 & 12 Vict.
 c. 43.

Master of a Workhouse and Relieving Officer not to be appointed to any Parochial Office.

V. And be it enacted, That no Master of a Workhouse nor any Relieving Officer shall be henceforth qualified to be appointed to the Office of Overseer of the Poor, Constable, or any other Parochial or Township Office, so long as he shall continue to be such Master of a Workhouse or Relieving Officer, except where the Poor Law Board shall authorize any Relieving Officer to hold a paid Office in a Parish: Provided always, that no Rate or Assessment made, nor any other Act or Thing done, by any such Person as such Parochial or Township Officer, nor the Service of any Notice, Demand, Order, or Process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such Disqualification as aforesaid. 10

Persons committed to Prison for Offences against 55G.3.c.137. s. 2. and 7 & 8 Vict. c. 101. ss. 57. 58. may be kept to hard Labour.

VI. And whereas by an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act to prevent poor Persons in Workhouses from embezzling certain Property provided 15
" for their Use, to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace
" from ordering Relief to poor Persons in certain Cases for a longer
" Period than One Month at a Time, and for other Purposes herein
" mentioned, relating to the Poor," and by an Act passed in the 20
Eighth Year of Her present Majesty, intituled "An Act for the further
" Amendment of the Laws relating to the Poor in England," Power is given to punish by Imprisonment any Person or Persons deserting, absconding, or running away from any Workhouse or Workhouses, and carrying away with him, her, or them any Clothes, Linen, or 25
other Goods in the said Act of the Fifty-fifth Year of the Reign of King George the Third enumerated and described: Be it enacted, That in the Case of every such Offence it shall be lawful for the convicting Justice or Justices, if he or they shall so think fit, to order and adjudge that the Person or Persons convicted shall, during the 30
Period of Imprisonment by Law authorized, be kept to hard Labour.

Construction of Act.

VII. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited Act of the Fifth Year of the Reign of His late Majesty King William the Fourth, and the Statutes explaining and extending it; and 35
that all the Provisions of the said last-mentioned Act and of the said Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained.

Act to extend only to England and Wales.

VIII. And be it enacted, That this Act shall extend only to England and Wales. 40

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Poor Relief.

A

B I L L

To continue Two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

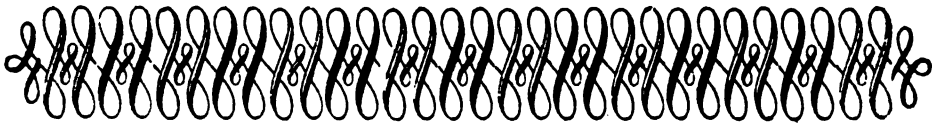
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21 June 1850.*

472.

Under 1 oz.

15 July 1850. 13 & 14 Vict.



A

B I L L

[AS AMENDED BY THE COMMITTEE AND ON CONSIDERATION OF THE BILL AS AMENDED]

TO

Continue Two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

[Note.—*The Clauses marked A. B. C. and D. were added by the Committee.*]

WHEREAS by an Act passed in the Twelfth Year of the Preamble.
Reign of Her present Majesty, intituled “An Act to alter 11 & 12 Vict.
“ the Provisions relating to the Charges for the Relief of c. 110.
“ the Poor in Unions,” certain Provisions were made whereby the
5 Costs of the Relief and the Expenses of the Burial of certain poor
Persons therein described were made chargeable upon the Common
Fund of the Union until the Thirtieth Day of September in the Year
One thousand eight hundred and forty-nine: And whereas by an Act 12 & 13 Vict.
passed in the last Session of Parliament such Provisions were con- c. 103.
10 tinued in full Force until the Thirtieth Day of September in the Year
One thousand eight hundred and fifty, and to the End of the then
next Session of Parliament; and by the said last-mentioned Act other
Provisions for charging upon the Common Fund of the Union the Cost
of removing and maintaining certain lunatic Paupers were made to
15 continue in force for the like Period; and it is expedient that all the
556. A several

Certain Provisions of 11 & 12 Vict. c. 110. and of 12 & 13 Vict. c. 103. continued for a limited Time.

several Provisions aforesaid should be continued for a limited Time :
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said several temporary Provisions in the said recited Acts above referred to shall continue in full Force until the Thirtieth Day of September One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament.

CLAUSE A.
Burials of poor Persons dying in Workhouses.

Contribution to enlarge or obtain Burial Grounds.

II. And be it enacted, That it shall be lawful for the Guardians of any Union to contribute out of the Common Fund, or for the 10 Guardians of any Parish to contribute out of the Poor Rates of such Parish, such Sum of Money as the Poor Law Board shall approve, towards the Enlargement of any Churchyard or consecrated public Burial Ground in the Parish wherein the Workhouse shall be situated, or in any other Parish of the Union, or towards the 15 obtaining of any such consecrated public Burial Ground, and where any such Burial Ground shall be enlarged or obtained with the Aid of such Contribution, it shall be lawful for them to bury therein the dead Body of any poor Person dying in such Workhouse : Provided always, that nothing in this Act contained shall 20 discharge or vary the Obligation now imposed by Law upon the Guardians to bury the dead Body of such poor Person elsewhere, in case the deceased Person, or the Husband, or Wife, or next of Kin of such deceased Person, shall have so requested : Provided also, that in all Cases of Burial under the Direction of the Guardians as afore- 25 said the Fee or Fees payable by the Custom of the Place where the Burial may be, or under the Provisions of any Act of Parliament, shall be paid by the said Guardians for the Burial of each such Body to the Person or Persons who by such Custom or under such Act shall be entitled to receive such Fee or Fees, and charged by them 30 in like Manner as the Relief to the Deceased when living was last chargeable.

CLAUSE B.
Purchase of Site for District Schools.

III. And be it enacted, That, in addition to the Principal Sum or Sums of Money which the Board of Management of a School District formed under the Authority of the Act of the Eighth Year of the 35 Reign of Her Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," are empowered to raise or borrow for the Purpose of providing a Building for the School of such District, such Board may, whenever any Part of such District is situated within the Metropolitan Police District, with the 40 Consent and Order of the Poor Law Board, also raise or borrow and charge the future Poor Rates of the Unions and Parishes respectively combined in such District with such further or other Sum or Sums of Money

Money as may be or may have been necessary for the Purchase of any Land, or Interest in Land, required for the Site of such School, or required for the training of the Children maintained thereat, or for the Site of any Addition to such School.

- 5 IV. And whereas Authority is given by the Act of the Fifth Year of King William the Fourth, intituled "An Act for the Amend- 4 & 5 W. 4.
" ment and better Administration of the Laws relating to the Poor c. 76. s. 62.
" in England and Wales," for defraying, out of the Poor Rates of any Parish, the Expenses of the Emigration of poor Persons having
10 Settlements in such Parish, and by the before-mentioned Act of 12 & 13 Vict. c. 103. s. 20.
the last Session the Guardians of any Union or separate Parish for which a Board of Guardians is or shall be established may, to a limited Extent, exercise the same Authority in and about the Emigration of poor Persons having Settlements in such Parish, or in
15 any Parish of such Union respectively: And whereas poor Orphans and deserted Children having no Settlements, or whose Settlements are unknown, are frequently chargeable to Parishes, and it is expedient to furnish Means for the Purpose of facilitating the Emigration of such poor Orphans and deserted Children so being chargeable: Emigration of Orphans and deserted Children.
20 Be it therefore enacted, That it shall be lawful for the Guardians of any Union or Parish, in like Manner and subject to the same Regulations, Limitations, and Restrictions as are contained in the said last-mentioned Act, but with the Consent in Writing of the Guardian or the Majority of the Guardians of the Parish of the
25 Chargeability in place of the Parish of the Settlement, transmitted as therein specified, to expend Money in and about the Emigration of any poor Orphan or deserted Child under the Age of Sixteen Years having no Settlement, or the Place of whose Settlement shall not be known, who may be chargeable to some Parish in their Union or
30 to their Parish respectively, and such Guardians shall charge the Expense so incurred to the same Parish to which such Orphan or deserted Child was chargeable at the Time of the Emigration; and where any such Orphan or deserted Child shall be chargeable to the Common Fund of any Union, the Guardians of such Union shall
35 have the same Powers (subject to the same Conditions) to procure or assist in procuring the Emigration of any such last-mentioned Orphan or deserted Child as they have with regard to poor Persons rendered irremovable by virtue of an Act of the Tenth Year of Her Majesty, intituled "An Act to amend the Laws relating to the
40 " Removal of the Poor:" Provided always, that no Emigration of any such Orphan or deserted Child, under any of the above-mentioned Powers, shall take place until such Orphan or deserted Child shall have consented thereto before the Justices assembled in Petty Sessions

holden in or near to the Union or Parish the Guardians whereof propose to procure such Emigration, and a Certificate of such Consent under the Hands of Two of the Justices present thereat shall have been transmitted to the Poor Law Board.

An Order for paying the whole or Part of the Cost of Maintenance of a lunatic married Woman maintained in any Lunatic Asylum, licensed House, or registered Hospital, and chargeable to any Union or Parish, may be made upon her Husband.

11 & 12 Vict. c. 43.

V. And be it enacted, That where any married Woman being 5 lunatic shall be duly removed to any Asylum, licensed House, or registered Hospital under any of the Statutes in such Behalf, any Two Justices having Jurisdiction in the Place wherein the Husband of such Lunatic shall dwell, upon Application by or on behalf of the Guardians of the Union or of the Parish having a separate Board of 10 Guardians, or the Overseers of the Parish, to which Union or Parish respectively such Lunatic shall be or become chargeable, may summon such Husband to appear before them to show Cause why an Order should not be made upon him to maintain or contribute towards the Maintenance of his Wife in such Asylum, licensed House, 15 or registered Hospital; and upon his Appearance, or in the event of his not appearing, upon Proof of due Service of such Summons upon him, such Justices may (if they think fit) make an Order upon him to pay such Sum, weekly or otherwise, for or towards the Cost of the Maintenance of such Lunatic, as after Consideration of all the 20 Circumstances of the Case shall appear to them to be proper, and determine in such Order how and to whom the Payments shall from Time to Time be made, which Order shall, if the Payments required by it to be made be in arrear, be enforced in the Manner prescribed by the Statute passed in the Twelfth Year of the Reign of Her 25 Majesty, intituled "An Act to facilitate the Performance of the " Duties of Justices of the Peace within England and Wales with " respect to summary Convictions and Orders," for the enforcing of Orders of Justices requiring the Payment of a Sum of Money.

Master of a Workhouse and Relieving Officer not to be appointed to any Parochial Office.

VI. And be it enacted, That no Master of a Workhouse nor any 30 Relieving Officer shall be henceforth qualified to be appointed to the Office of Overseer of the Poor, Constable, or any other Parochial or Township Office, so long as he shall continue to be such Master of a Workhouse or Relieving Officer, except where the Poor Law Board shall authorize any Relieving Officer to hold a paid Office in a 35 Parish: Provided always, that no Rate or Assessment made, nor any other Act or Thing done, by any such Person as such Parochial or Township Officer, nor the Service of any Notice, Demand, Order, or Process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such Disqualification as 40 aforesaid.

VII. And

VII. And whereas by the Act of the Seventh Year of His late Majesty King William the Fourth, intituled "An Act to regulate Parochial Assessments," it is provided, that the Justices acting in and for every Petty Sessions Division shall hold Special Sessions for
 5 hearing Appeals against the Rates of the several Parishes within their respective Divisions, and shall cause public Notice of the Time and Place of the holding of such Special Sessions to be given in each Parish, but no Provision is made for the Payment of the Costs incurred in preparing and giving of such Notice: Be it therefore
 10 enacted, That such Fee or Remuneration as shall have been or shall hereafter be settled by the Justices of the Peace at their respective General Quarter Sessions, according to the Statute in that Behalf, to be paid to the Clerks to Justices of the Peace for the preparing and giving of a Notice of a Special Sessions for this Purpose, or in default
 15 thereof of a Notice of any Special Sessions, shall be paid by the Overseers of each Parish comprised within the Division for which the Special Sessions are to be held, and be charged by them upon the Poor Rate.

CLAUSE C.
 The Fees for giving Notices of Special Sessions under the Act 6 & 7 W. 4. c. 96. s. 6. to be paid by the Overseers out of the Poor Rate.

VIII. And whereas by an Act passed in the Fifty-fifth Year of the
 20 Reign of King George the Third, intituled "An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use, to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer
 25 Period than One Month at a Time, and for other Purposes herein mentioned, relating to the Poor," and by an Act passed in the Eighth Year of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," Power is given to punish by Imprisonment any Person or Persons deserting,
 30 absconding, or running away from any Workhouse or Workhouses, and carrying away with him, her, or them any Clothes, Linen, or other Goods in the said Act of the Fifty-fifth Year of the Reign of King George the Third enumerated and described: Be it enacted, That in the Case of every such Offence it shall be lawful for the con-
 35 victing Justice or Justices, if he or they shall so think fit, to order and adjudge that the Person or Persons convicted shall, during the Period of Imprisonment by Law authorized, be kept to hard Labour.

Persons committed to Prison for Offences against 55 G. 3. c. 137. s. 2. and 7 & 8 Vict. c. 101. ss. 57. 58. may be kept to hard Labour.

IX. And be it enacted, That where any Person shall be charged with and convicted of any Assault upon any Officer of a Workhouse
 40 or Relieving Officer in the due Execution of his Duty, or upon any Person acting in aid of such Officer, the Court may sentence the Offender to the same Punishment as is provided by Law for an Assault upon a Peace Officer or Revenue Officer in the due Execution of his
 556. Duty,

CLAUSE D.
 Assaults upon Workhouse Officers or Relieving Officers in the Discharge of their Duty.

Duty, and shall have the same Power as in case of such last-mentioned Assault to order Payment of the Costs and Expenses of the Prosecution.

Construction
of Act.

X. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited 5 Act of the Fifth Year of the Reign of His late Majesty King William the Fourth, and the Statutes explaining and extending it; and that all the Provisions of the said last-mentioned Act and of the said Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained. 10

Act to extend only to
England and
Wales.

XI. And be it enacted, That this Act shall extend only to England and Wales.

Act may be
amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Poor Relief.

A

B I L L

[AS AMENDED BY THE COMMITTEE AND ON
CONSIDERATION OF THE BILL AS AMENDED]

To continue Two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

(Prepared and brought in by
Mr. Baines and Viscount Ebrington.)

Ordered, by The House of Commons, to be Printed,
15 July 1850.

556.

Under 1 oz.

7 March 1850. 13 VICT.



A

B I L L

TO

Provide for the more equitable Distribution of the
Charge for the Relief of the Poor in certain
Cities and Towns.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

- W**HEREAS in many Cities and Towns comprising several Preamble.
Parishes the Charge for the Relief of the Poor is unduly
distributed among such Parishes, and it is expedient to
provide a Mode whereby such Charge may be imposed thereon with
5 more Equity than at present : Be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, That in Interpreta-
construing this Act the Words and Expressions following shall have tion Clause :
10 the several Meanings herein assigned to them, unless such Meanings
shall be repugnant to or inconsistent with the Context; that is
to say,
Words importing the Singular Number shall include the Plural Number :
Number, and Words importing the Plural Number shall include
15 the Singular Number :
The Word "Occupiers" shall include all Bodies Corporate, whether "Occupiers:"
sole or aggregate :

119.

A

Words

Gender :	Words importing the Masculine Gender shall include the Feminine :	
"Lands :"	The Word "Lands" shall include all Messuages, Tenements, and Hereditaments :	
"Parish :"	The Word "Parish" shall be every Place separately maintaining its own Poor ; and the Word "Overseers" the Churchwardens and Overseers thereof, and all other Persons executing the Office of Overseer of the Poor :	5
"Overseers :"		
"Union :"	The Word "Union" shall mean any Union having a Board of Guardians of the Poor under the Provisions of the Act of the Fifth Year of King William the Fourth, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales ; and the Terms "the Board of Guardians" and "the Guardians" shall respectively mean the Board of Guardians under such Act, or any subsequent Act explaining and extending it :	10
"Board of Guardians :"		
"Poor Law Board :"	The Words "Poor Law Board" shall mean the "Commissioners for administering the Laws for the Relief of the Poor in England," under the Provisions of the Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled "An Act for the Administration of the Laws for Relief of the Poor in England :"	15
"Justices :"	The Word "Justices" shall mean Justices of the Peace for the County, Riding, Division, City, Town, Borough, Liberty, or Place in which any Union having a Board of Guardians comprised within the Provisions of this Act may be situate :	20
"Rates."	The Word "Rates" shall mean all Rates and Assessments authorized by Law to be levied and assessed upon Occupiers of Messuages, Tenements, and Hereditaments for the Relief of the Poor.	25

Unions of more than One Parish with Population of 20,000 Persons to be combined for Relief of Poor.

H. And be it enacted, That from and after *the Twenty-ninth Day of September One thousand eight hundred and fifty* the Guardians of any Union comprising a City or Town of more than One Parish, having a Population according to the last Census of not less than *Twenty thousand* Persons, may (with the Consent of the Poor Law Board signified by Order under their Common Seal,) by Resolution entered upon the Minutes of their Proceedings, agreed to and signed by a major Part of the whole Number of such of the said Guardians as shall be present, and voting at any Meeting of the said Guardians specially summoned for this Purpose, direct that all the Costs and Charges for the Relief and Maintenance of the Poor in any Manner whatsoever of and in the several Parishes contained in such Union shall be borne by the Common Fund of such Union, to which the several Parishes therein shall contribute in proportion to the annual rateable Value of the Lands, Tenements, and Hereditaments in such Parishes respectively assessable by the Laws in force for the Time being

- being to the Relief of the Poor, whether actually rated or not, and whether the Rate made or levied shall be collected in full, or upon any Composition; and that from and after such Resolution shall have been entered into and approved by Poor Law Board, such Parishes
- 5 so in Union shall from thenceforth for the Purposes of this Act be considered One Parish; and all Expenditure in respect of the Poor of such Union, or chargeable in any Manner whatsoever on the Poor Rates (subject to the Provision herein-after contained) of the respective Parishes thereof, shall be deemed and be the Common Expenditure of such Union, and chargeable upon and paid out of the Common or General Fund to be raised by a Common Rate as herein-after mentioned: Provided always, that nothing herein contained shall alter or affect the Liability of any Parish comprised in any such Union in regard to any Charge in the said Union secured upon the
- 10 Poor Rates of all or any of the Parishes comprised therein which shall have been created at any Time previous to the Issue of such Order of the Poor Law Board; and such Charge shall continue to be charged and payable in like Manner as it would by Law have been charged and payable if this Act had not been passed: Provided also, that nothing herein contained shall apply to any Contribution which shall be in arrear from any Parish in such Union at the Time when the said Order shall have been made, but the same shall be recoverable and applicable in the same Manner as if this Act had not been passed: Provided also, that in case any Parish of any Union at the
- 15 Period of entering into such Resolution shall not be represented by a Guardian elected by such Parish, the Poor Law Board shall forthwith issue an Order authorizing and enabling Owners of Property and Rate-payers in such Parish entitled by Law to vote in the Election of Guardians to proceed within *One Month* from and after the Issue of such Order to such Election accordingly; and that in the event of no Guardian or Guardians being elected pursuant to such Order, the other and remaining Guardians of the said Union shall proceed to carry this Act into effect, which shall be binding and conclusive upon all the Parishes of the said Union in the same Manner as if a
- 20 Guardian or Guardians had been elected for each Parish of the said Union: Provided also, that it shall be lawful for such Owners and Rate-payers to whom such last-mentioned Order shall be issued to elect as a Guardian any Person who may already have been chosen as a Guardian of any other Parish.
- 25
- 40 III. And be it enacted, That the Guardians of every such Union shall, for the Purpose of procuring the necessary Funds in carrying this Act into effect, be authorized and empowered to ascertain the Value of the several Lands, Tenements, and Hereditaments situate within the said Union rateable to the Relief of the Poor, and to
- 119.
- A 2
- cause
- Common Fund.
- Previous Charges not affected.
- If Parish unrepresented, Poor Law Board to issue Order for Election of Guardians.
- Surveys of Parishes.

cause to be made such Surveys and Valuations of the said Property or any Part thereof, as may be necessary from Time to Time to make a fair and just Assessment upon the said united Parishes and the several Occupiers thereof in respect of such Property so rateable as aforesaid ; and all Rates grounded on every such Valuation or Assessment shall be made, published, and recovered in such and the same Manner as Rates for the Relief of the Poor are now by Law made, published, and recovered, and the several Persons so assessed shall have the like Power of Appeal against such last-mentioned Rates as such Persons now have against Rates made for the Relief of the Poor : Provided always, that it shall not be necessary that such Rates shall be allowed by Her Majesty's Justices of the Peace previous to or after the Publication thereof.

Recovery of Rates.

Allowance of Rates by Justices unnecessary.

Former Assessments to be used until Revaluation obtained.

IV. And be it enacted, That from and after the Period when this Act shall come into operation the Guardians of every such Union shall, until the Surveys and Valuations herein-before mentioned shall have been made and completed, take the annual rateable Value of Property in every Parish in such Union from the Valuation or Assessment upon which such Parish was assessed to the Rates made to the Relief of the Poor last preceding the passing of this Act.

Warrants of Removal and Appeals to be made to Guardians instead of Overseers.

Proceedings already commenced not affected.

V. And be it enacted, That where any Parishes shall be so combined by virtue and for the Purpose of this Act, all Warrants or Orders for the Removal of any poor Person or Persons from or to the said Union or any Parish situate therein, and all Proceedings connected therewith for the Purpose of carrying such Warrants and Orders into effect, shall and may be made, given, and directed to the said Guardians instead of the Overseers of the Poor ; and all Appeals and Notices thereof against any such Warrants or Orders, or against any Rate or Assessment made by the said Guardians for the Relief of the Poor in any such Union, shall and may be in like Manner directed and addressed to the Guardians of such Union instead of the Overseers of the Poor of any Parish situate therein : Provided always, that nothing contained in this Act shall in any Manner affect any Proceeding already commenced or prosecuted, by or on the Behalf of any Overseers of any Parish so combined in any such Union, for or in respect of any Warrant, Order of Removal, or Appeal against the same, or against any Rate or Assessment for the Relief of the Poor, but such Proceeding shall be had, made, concluded, and perfected in the same Manner in all respects as if this Act had not passed ; and all Costs and Expenses properly incurred in and about such Proceeding shall, when such Costs and Expenses are legally payable by Overseers, be paid by the said Guardians of the said Union wherein such Proceedings shall be had, and charged in like Manner to the Common Fund of the said Union.

VI. And

VI. And be it enacted, That in all Proceedings to be had and taken by virtue of this Act it shall be sufficient to describe such Guardians as the Guardians of the Poor of the Union in the County of as the Case may be or require.

5 VII. And be it enacted, That, save as herein otherwise provided, all the Provisions of the several Statutes herein-after mentioned and set forth shall extend to this Act, except where any such Provisions would be inconsistent with anything herein contained; (that is to say,) the Act passed in the Fourth and Fifth Years of the Reign
10 of King William the Fourth, intituled "An Act for the Amend-
" ment and better Administration of the Laws relating to the
" Poor in England and Wales;" also the Act passed in the
Seventh and Eighth Years of the Reign of Her present Majesty,
intituled "An Act for the further Amendment of the Laws relating
15 " to the Poor in England;" also the Act passed in the Eleventh
and Twelfth Years of the Reign of Her present Majesty, inti-
tuled "An Act to alter the Provisions relating to the Charges for
" the Relief of the Poor in Unions;" also the Act passed in
the Twelfth and Thirteenth Years of the Reign of Her present
20 Majesty, intituled "An Act to enable Overseers of the Poor and
" Surveyors of the Highways to recover the Costs of distraining
" for Rates;" also the Act passed in the Twelfth and Thirteenth
Years of the Reign of Her present Majesty, intituled "An Act to
" continue an Act of the last Session of Parliament for charging the
25 " Maintenance of certain poor Persons in Unions upon the Common
" Fund, and to make certain Amendments in the Laws for the Relief
" of the Poor;" also the Act passed in the same last-mentioned Years
of the Reign of Her present Majesty, intituled "An Act to amend
" the Procedure in Courts of General and Quarter Sessions of the
30 " Peace in England and Wales, and for the better Advancement of
" Justice in Cases within the Jurisdiction of those Courts."

Provisions of
4 & 5 W. 4.
c. 101.
7 & 8 Vict.
c. 76.
11 & 12 Vict.
c. 110.
12 & 13 Vict.
c. 14.
12 & 13 Vict.
c. 103.
12 & 13 Vict.
c. 45., to
extend to
this Act.

VIII. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said herein-before recited Acts, and the Acts explaining and extending the same.

Construction
of Terms.

35 IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament, and shall only apply to England.

Act may be
amended, &c.

Poor Relief (Cities and Towns).

A

B I L L

To provide for the more equitable Distribution of the Charge for the Relief of the Poor in certain Cities and Towns.

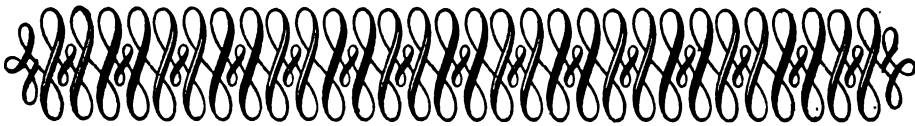
(Prepared and brought in by
Mr. Shafto Adair, Mr. Campbell, and Mr. Wood)

*Ordered, by The House of Commons, to be Printed,
7 March 1850.*

119.

Under 1 oz.

14 August 1850. 13 & 14 VICT.



(Ireland.)

A

B I L L

TO

Amend the Irish Poor Law.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS it is expedient to amend the Laws in force for Preamble.
the more effectual Relief of the destitute Poor in Ireland :
Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
5 and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That when a Rate for the Relief
of the Poor is to be struck in any Electoral Division in Ireland, the
Guardian or Guardians of the Poor residing within or possessing
Property within such Electoral Division shall and he is or they are
10 hereby empowered to assemble the Rate-payers by a Notice to be
posted in the usual Place for posting Notices within such Electoral
Division Seven Days at least before the Day appointed for holding
such Meeting, and that the said Rate-payers so assembled shall
and they are hereby empowered, by a Majority of at least *Two*
15 *Thirds* of the Number then present, to decide whether the Rate
leviable on such Electoral Division shall be struck by the Board
of Guardians in the Manner heretofore required by Law, or by
an Estimate and Rate made by themselves in the Manner herein-
after mentioned, and that the said Rate shall be struck in the
20 Manner herein-after mentioned in case the said Rate-payers shall so
706. A determine,

When Rate
for Relief of
Poor is to
be struck,
Guardians
in Electoral
Divisions to
call Meeting
of Rate-
payers, Two
Thirds of
whom pre-
sent to decide
whether
Rate shall be
leviable as
heretofore, or
by an Es-
timate and
Rate made by
themselves.

determine, anything in any Act or Acts contained to the contrary notwithstanding.

An Estimate to be made at Meeting of the Number of poor Persons relievable who may be chargeable the next Six Months following, upon which a Rate may be struck, and certified to the Board of Guardians, and, when approved, levied as Rate is now levied.

Meeting to elect a Committee of Management for the Expenditure of Monies and the Relief of the Poor within Electoral Division for Twelve Months.

Poor Persons relievable by Electoral Division may have Tickets for Admission into the Union Workhouse, or receive Outdoor Relief.

If poor Person not relieved, or dissatisfied with Amount of Relief, he may appeal to Board of Guardians.

Relieving Officer to present to

II. And be it enacted, That an Estimate shall be made at the said Meeting of the Number of poor Persons relievable within the Workhouse who may be likely to become chargeable to the Electoral Division within the Period of Six Months then next ensuing, in the same Manner as is now done at each Board of Guardians in Ireland, and that on such Estimate a Rate shall be struck, and when struck shall be certified to the Board of Guardians in which the Electoral Division is situate, and when approved by the said Board shall be levied and collected in like Manner as the Rate for the Relief of the Poor is now levied and collected. 5

III. And be it enacted, That the Rate-payers assembled at such Meeting as aforesaid shall elect a Committee of Management from among themselves, with a Chairman, who shall be intrusted with the Expenditure of the Monies arising from the Rate herein-before mentioned, and of the Relief of the Poor within the Electoral Division, for the Space of Twelve Calendar Months then next ensuing, and that all Applications for Relief shall be made to the Relief Committee so elected, by poor Persons relievable within such Electoral Division. 15 20

IV. And be it enacted, That it shall be lawful for the Electoral Relief Committee to relieve poor Persons relievable by such Electoral Division by giving them Tickets of Admission into the Union Workhouse, or by affording them such Assistance, either in Food or in Kind, as they may deem sufficient to enable them to maintain themselves outside the Workhouse. 25

V. And be it enacted, That in case any poor Person relievable within such Electoral Division shall consider that he is not relieved, or that he is insufficiently relieved, by the Electoral Relief Committee for such Division, it shall be lawful for such poor Person to appeal to the Board of Guardians of the Union within which such Electoral Division is situate; and in case the Board of Guardians shall find that the Electoral Division Relief Committee have either refused or neglected to relieve or insufficiently relieved such poor Person, and that he is entitled to Relief, then the said Board shall admit such poor Person to the Workhouse, and shall charge the Expense of supporting such poor Person to the Electoral Division to which he is legally chargeable. 30 35

VI. And be it enacted, That the Relieving Officer of the District shall on each Board Day present to the Board of Guardians for the Union within 40

within which such Electoral Division is situate a List of poor Persons sent to the Workhouse, or relieved outside of the Workhouse, by the Electoral Division Relief Committee, and also an Account specifying the Amount expended in affording such Relief, signed by the Chairman
 5 or acting Chairman of such Relief Committee, and, when required, he shall present a Cheque, signed by such Chairman or acting Chairman, for the Amount of the Sum so expended, which, when approved by the said Board, shall be countersigned by the Chairman of the Day of such Board of Guardians, and paid by the Treasurer to such Re-
 10 lieving Officer ; and the Accounts of the Monies received and expended by the Electoral Division Relief Committees as aforesaid shall be audited in like Manner as the other Accounts of the Union within which such Electoral Division is situate.

Board of Guardians a List of Persons sent to the Workhouse or receiving Out-door Relief by the Relief Committee, with an Account of Expenditure, signed by Chairman. Accounts to be audited.

VII. And be it enacted, That so much of an Act passed in the
 15 Tenth Year of the Reign of Her present Majesty, intituled " An Act " to make further Provision for the Relief of the destitute Poor in " Ireland," as provides that Out-door Relief may be authorized by the Poor Law Commissioners in certain Cases therein mentioned, shall be and the same is hereby repealed.

Repeal of so much of 10 Vict. c.31. as authorizes Out-door Relief.

VIII. And be it enacted, That if by reason of any unforeseen Cir-
 20 cumstances or the Visitation of Providence it may be necessary to relieve any Number of able-bodied poor Persons out of the Workhouse, for which Purpose the Funds supplied by the ordinary Poor Law are insufficient, it shall be lawful for any such Electoral Division
 25 Relief Committee to prepare an Estimate of the Number of able-bodied poor Persons within the District who may in their Opinion require additional Relief outside the Workhouse, and to submit such Estimate to a Meeting of the Rate-payers of such Electoral Division to be convened by them in the Manner herein-before mentioned ; and
 30 it shall be lawful for such Rate-payers assembled at such Meeting, by a Majority of Two Thirds of the Rate-payers then present, to determine that an additional Rate, not exceeding Two Shillings and Sixpence in the Pound on the Valuation of rateable Property within such Electoral Division, shall be struck, for the Purposes of such
 35 Estimate ; and that such Rate, when approved of by the Board of Guardians of the Union within which such Electoral Division is situate, shall be levied and collected in like Manner as the Rate for the Relief of the Poor is now levied and collected ; and the Monies arising from such Rate, and any Monies which may be advanced
 40 either by the Legislature and may arise from other Sources for the Purposes aforesaid shall be applied by the said Electoral Division Relief Committee in the Manner herein-after mentioned.

For giving Out-door Relief to the able-bodied Poor on extraordinary Occasions, an additional Rate may be struck.

Previous to striking such additional Rate, Relief Committee to apply to Board of Guardians for Permission to do so; and to send Estimates, &c.

Board of Guardians may transmit the same to Poor Law Commissioners, who may issue Order for Relief.

Out-door Relief to be given by Employment upon Works of public Utility, to be approved by Board of Guardians, or by Admission to the Workhouse.

Wages for Out-door Relief not to be paid in Money.

Estimates, &c. of able-bodied poor Persons relieved within the Workhouse to be given to the Board of Guardians.

Board of Guardians may elect an Assistant Guardian.

IX. And be it enacted, That previous to any such Rate being struck by the Rate-payers of any Electoral Division, as herein-before mentioned, it shall be lawful for such Electoral Division Relief Committee and they are hereby required to apply to the Board of Guardians for the Union within which such Electoral Division is situate, for Permission to afford Relief to able-bodied poor Persons out of the Workhouse; and such Relief Committee shall accompany such Requisition with an Estimate of the probable Numbers and Amount of the Sum required for the Support of such able-bodied poor Persons during the Six Months then next ensuing, also a Statement of the Circumstances of the Electoral Division, and Reasons which induce the Electoral Division Relief Committee to make such Application; and, if it shall seem fit to such Board of Guardians, it shall transmit such Estimate and Statement to the Poor Law Commissioners, who, if they shall think fit, may issue a sealed Order permitting such Electoral Division Relief Committee to afford Out-door Relief during the ensuing Six Months. 10

X. And be it enacted, That when any Electoral Division Relief Committee shall have received such Permission to afford Out-door Relief to such able-bodied poor Persons outside the Workhouse, it shall be lawful for the said Committee to set to work such able-bodied poor Persons as are entitled to Relief in such Electoral Division at some Work of public Utility which shall be submitted to and approved of by the Board of Guardians of the Union, or to give Tickets of Admission to the Workhouse when to them it shall seem more advisable: Provided always, that such Out-door Relief shall always be in Food or Kind, and in no Case shall Wages be paid in Money. 20

XI. And be it enacted, That such Estimates and Returns prescribed in respect of the poor Persons relieved within the Workhouse in the ordinary Manner, as herein-before mentioned, shall be forwarded to the Union Board in respect of the able-bodied Poor. 30

XII. And be it enacted, That it shall be lawful for any Board of Guardians, if they shall think fit, to elect an Assistant Guardian for the Union, and fix a Salary for such Officer; and that such Assistant Guardian shall be resident either in or near to the Workhouse, and shall be subject only to such Control of the Poor Law Commissioners as other Union Officers are subject to; and the Duties of such Assistant Guardian shall be the general Supervision of all Details of the Administration of such Union and Workhouse, together with a Supervision of the Accounts, and especially of all Manufactures and Works carried on in the Union, according to such Rules and Regulations 35 40

gulations as shall be laid down from Time to Time for his Guidance by the Board of Guardians of the Union; and in case it shall seem fit to the said Board of Guardians, it shall have the Power of dismissing the said Assistant Guardian.

- 5 XIII. And whereas by the said recited Act passed in the Tenth Year of Her present Majesty it is enacted, that the Poor Law Commissioners may dissolve Boards of Guardians, at their Discretion, and appoint paid Guardians to administer the Affairs of such Unions in their Place: Be it enacted, That such Provision is hereby repealed;
- 10 and that from and after the passing of this Act, when it shall have appeared to the Poor Law Commissioners that, on Account of Refusal to act, Neglect of Duty, or of corrupt or improper Conduct, it is advisable to dissolve a Board of Guardians, they may, under their Seal, declare the said Board of Guardians to be dissolved, and forth-
- 15 with issue the usual Order for the Election of a new Board of Guardians; and in case the said Board of Guardians elected at such fresh Election shall refuse or neglect to act, or act improperly or corruptly, then it shall be competent to the said Poor Law Commissioners to make an Application to the Judges of the Queen's Bench, and if it
- 20 shall be made to appear to the said Judges of the Queen's Bench that the said Guardians have refused or neglected to act, or have performed their Duties either negligently or corruptly, then the said Judges shall issue a Mandamus to the said Poor Law Commissioners to appoint a paid Guardian, and to select *Three* Magistrates,
- 25 and *Three* Rate-payers among the higher Rate-payers residing within the Union, to constitute a Board, and that this Board so selected shall administer the Affairs of the Union, and levy Rates, if it shall to them seem necessary, sufficient for the Requirements of the Union, until the next ordinary Election of Guardians, when their Functions shall
- 30 cease, and a Board be elected in the ordinary Manner.

As to dissolving Board of Guardians, and the Appointment of paid Guardians.

- XIV. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Board of Guardians to recover from an immediate Lessor or Landlord, nor levy, either by Distress or otherwise, on the Land or Farm from which any Tenant has been
- 35 evicted, and for which an Arrear of Poor Rate remains due, any Sum greater than that which the Tenant would have had the Right to deduct from the Landlord had he paid his Rent, nor for Arrears due on more than One Year preceding the Date of Eviction.

Board of Guardians not to recover more from immediate Lessor or Landlord of Land, &c. from which any Tenant is evicted, and for which Arrears are due, than such Tenant would have had a Right to deduct from his Landlord had he paid the same.

- XV. And whereas from the earliest Period of the Connexion of
- 40 Ireland with England much Injury has been inflicted on the former Country by reason of Absenteeism, and that Persons possessing Property in Ireland draw large Sums from the Resources of it to other Countries, whereby it is grievously impoverished: Be it therefore
706. B enacted,

Absentees, who shall not have resided in Ireland Twelve Months in the last Three

Years, to be
rated.

If aggrieved,
may appeal
to Quarter
Sessions.

enacted, That it may be lawful for any Board of Guardians to assess a Rate not exceeding *Two* per Cent. on the Valuation of the Property of any Person situate within the Union, who, not having been employed on the Public Service, shall not have resided at least Twelve Months out of the last Three Years within the Kingdom of Ireland, 5 and any Board of Guardians is hereby empowered to decide on the Fact of such Residence as it is at present on the Settlement of a Pauper; but if the Person so rated as an Absentee shall feel himself aggrieved by the Board of Guardians, then he may appeal to the next Quarter Session to be held for the Division in which the Property 10 is situate; and the Assistant Barrister is hereby empowered to empanel a Jury to try and determine as to whether the Person so appealing has been resident or not during Twelve Months out of the last Three Years, or, being absent during that Time, or of Two Years out of that Time, has been employed in the Public Service; and in 15 case such Jury decide that the Board of Guardians have not decided according to Fact, and have struck a Rate on the Complainant unjustly, then such Rate shall be quashed, on a Certificate from the Assistant Barrister; and all Rates struck by Authority of this Act on Absentee Proprietors shall be placed to the Credit of the Electoral 20 Division or Divisions in which such Property shall be situate, in proportion to the Value of such Property situate within such Electoral Division.

Owners, &c. of
Land, having a
Mortgage, &c.,
to deduct from
the Interest
payable to In-
cumbrancer
a Poundage
equivalent to
the Rate pay-
able in respect of
Incumbrance.

The Poor in
Workhouses to
be employed in
productive
Labour, and an
Account of
Number of
Persons, and
Expenditure in
Material, &c.,
to be trans-
mitted to Poor
Law Commis-
sioners every
Three Months.

*Medical Re-
lief Divisions.*

Guardians
of Unions
to divide
Unions into
Districts for
the Purpose

XVI. And forasmuch as the entire Burden of the Support of the Poor is now placed on the Owners and Holders of Land, be it 25 enacted, That it may be lawful for any Holder or Owner of Land having a Mortgage, Judgment, Jointure, or any other Incumbrance, to deduct from the Interest payable to such Incumbrancer a Poundage Rate equivalent to the Poor Rate payable by him in respect of such Incumbrance.

30

XVII. And be it enacted, That the poor Persons in every Work- house in Ireland shall be employed at some Work of Manufacture or Utility; and that an Account of the Expenditure for Material, and Value and Quantity of Articles so manufactured, and the Number of Persons employed, shall be transmitted to the Poor Law Commissioners 35 every *Three* Months.

XVIII. And be it enacted, That it shall and may be lawful for the Guardians of any Union in Ireland to divide the Union into Districts, for the Purpose of affording Medical Relief to the Poor, preserving the same Boundaries as those of the present Electoral Divisions, 40 either by adopting an existing Electoral Division as a Medical Relief Division, or uniting Two or more Electoral Divisions for that Purpose; but providing always, that in no Case shall the Centre of an Electoral

Electoral Division be more than *Seven Miles* from the Centre of those united with it. of affording Medical Relief.

XIX. And be it enacted, That when any Medical Relief Division shall have been so constituted by the Board of Guardians of the Union as aforesaid, it shall be lawful for the Guardians of the Electoral Division or Divisions so constituted into a Medical Relief Division, by a Notice to be given at least *Seven Days* before the Day appointed, to call a Meeting of all Rate-payers who shall be rated to the Poor Rate within the District at not less than *Twenty Pounds*; and it shall be lawful for the said Meeting to elect a Committee of Management of the Medical Relief of that District of a sufficient Number of Rate-payers resident within that District who shall be liable to pay Poor Rates in respect to Property of the net annual Value of *Twenty Pounds* at least, who, together with the Guardians resident in the District, and One of the Clergymen of each of the Protestant, Roman Catholic, and Presbyterian Persuasions who shall be therein resident, shall be a Committee for the Management of Medical Relief within that District; and annually the same Meeting, so constituted, shall elect a similar Committee of Management for each succeeding Year, who shall elect or dismiss their Medical Officers, and provide Medical Relief. Committees of Management for Medical Relief to be appointed annually.

XX. And be it enacted, That the said Committee of Management shall elect One or more Medical Officers for that District, being either a Physician or Surgeon duly qualified, and subject to the Approval, as far as Qualification, to the Approbation of the Poor Law Commissioners of Health, and they shall also appoint the Amount of Salary for such Medical Officer or Officers, which, when approved by the Board of Guardians, shall be their Salary; and the said Committee of Management shall provide a House, Building, Room or Rooms, to be used as a Dispensary or Office for the Medical Officer of that District, and for the Meetings of the Committee of Management, and provide such Medicines and Medical Appliances as may be necessary for the Medical Relief of the Poor of the District; and it shall be lawful for the said Committee of Management from Time to Time to make Rules for the Manner of relieving the Poor within their District. Committee of Management to elect Medical Officers.

XXI. And be it enacted, That the said Committee of Management shall once in every Half Year, on Days to be appointed by the Board of Guardians of the Union, furnish to the Board of Guardians an Estimate of the Expenses which they think will be necessary for the Salaries of Officers and other Expenses incidental to the Medical Relief of the Poor in the District; and the Board of Guardians shall once in every Half Year to furnish the Board of Guardians with an Estimate of Expenses of Salaries of Officers re-

quired for the Medical Relief of the Poor.

Board of Guardians to strike a Rate on the Electoral Division comprising such Medical Relief District.

Committee to transmit Account of Expenditure for previous Half Year, and other Particulars relating to the sanitary Condition of the District.

Payments made to be certified by Medical Officer; and, when approved and certified by Board of Guardians, to be paid by Treasurer of Union, and audited.

Medical Officer to vaccinate all Persons who may come to him for that Purpose, and shall make half-yearly Returns to the Board of Guardians, who are to make Contracts for Vaccination as at present.

Vaccination.

Salaried Medical Officers of Districts to attend at Examination

Guardians are hereby empowered to strike a Rate, not exceeding in the Pound on the Valuation, on the Electoral Division or Divisions comprising such Medical Relief District; and at the same Time the said Board of Management shall transmit to the Board of Union Guardians an Account of the Expenditure of the previous Half Year, also a Return stating the Number of Cases attended by the Medical Officer, the Number of Diseases of each Description, and Number of Deaths among those relieved, with the Cause of such Deaths, together with a short Report of the sanitary Condition of the District, all which shall be signed by the Medical Officer or Officers, 10 and by the acting Secretary and acting Chairman of the Committee of Management; and all Payments made on account of the Medical Relief of Medical Districts so formed shall be certified by the Medical Officers, and submitted to the Committee of Management, and, on Order, signed by the acting Secretary and acting Chairman of each 15 Committee of Management, and when approved by the Board of Guardians, and signed by their Chairman, shall be paid by the Treasurer of the Union; and all Accounts for Payments of the Medical Relief Districts shall be audited as the other Union Accounts are audited. 20

XXII. And be it enacted, That every Medical Officer of the Medical Relief Districts shall and he is hereby required to vaccinate all Persons who may come to him for that Purpose, and shall make an half-yearly Return of the Number so vaccinated to the Board, who are to make Contracts for Vaccination as at present. 25

XXIII. And be it enacted, That the Medical Officer of every Dispensary District constituted under this Act shall and he is hereby required to vaccinate all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Commissioners of Health in that Behalf, and which Regulations the said Commissioners are hereby required to make and issue; and that from and after the Declaration of any such Dispensary District it shall not be obligatory on the Board of Guardians of the Poor Law Union containing such District, or any Part thereof, to make a Contract with a Medical Practitioner for the Vaccination of Persons resident in such 30 District, under the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled "An Act to extend 35 " the Practice of Vaccination."

XXIV. And be it enacted, That it shall be the Duty of any salaried Medical Officer of a Dispensary District, or of an Hospital 40 District under this Act, or, if more than One, then the nearest of such Medical Officers (whether of a Dispensary District or Hospital District),

District), save in the Case of his Sickness or necessary Absence, and then the other nearest of such Medical Officers, without any further Fee or Reward, to examine and certify, under the Statute in that Behalf, as to the Case of any dangerous Lunatic brought before a
 5 Justice of the Peace within his respective District, and to attend professionally at any Inquests of Coroners or Justices within such respective District, when summoned so to do, and also to give his Medical Attendance and Care, so far as shall be necessary, to the Prisoners or Inmates in any Bridewell or House of Correction situate
 10 within such respective District, and to supply to such Prisoners and Inmates the necessary Medicines, the Account of which Medicines shall be submitted to the next Meeting of the Committee or Governors of such respective District, who shall make Provision for the Payment thereof; and it shall be lawful for the said Commissioners,
 15 if they shall think fit, to take into account the probable Extent of such extraordinary Duties, with respect to any such Bridewell or House of Correction, in fixing the Amount of the Salaries of the Medical Officers of such Districts.

of dangerous Lunatics and at Coroner's Inquests, and to give Attendance at Bridewells within their Districts.

XXV. And be it enacted, That all Dispensaries, and all Accounts
 20 of the Medical Relief Districts formed under this Act, shall be open to the Inspection of any Visitor or Visitors appointed by the Authority of the Commissioners of the Board of Health and Poor Law Commissioners.

Dispensaries, and all Accounts of Medical Relief Districts, to be open to Inspection of any Visitor appointed by Commissioners of Board of Health and Poor Law Commissioners.

XXVI. And be it enacted, That Grand Juries are not required to
 25 present for any Sums for Dispensaries within Districts thus constituted, as provided in any former Act.

Grand Juries are not to present for Dispensaries within Districts constituted by this Act.

XXVII. And be it enacted, That no Guardian, Governor, or Member of the Committee of Management, paid Officer, or other Person concerned in the providing, ordering, Management, Control,
 30 or Direction of the Medical Relief of the Poor in any Dispensary District or Hospital District, shall, either in his own Name or in the Name of any other Person, provide, furnish, or supply for his own Profit any Medicines, Instruments, Furniture, or Goods for the Use of any Dispensary or Hospital in any District for which he shall act
 35 in any such Capacity as aforesaid, during the Time for which he shall retain such Office, nor shall during such Time be interested, directly or indirectly, in any Contract relating thereto, under pain of forfeiting the Sum of Fifty Pounds, with the full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any
 40 of Her Majesty's Courts of Record at Dublin.

Members of Committee of Dispensary not to be concerned in supplying Articles for Use in Hospital or Dispensary;

under Penalty of 50*l.* and Costs.

Population.

A

BILL

For taking account of the Population of
Great Britain.

(Prepared and brought in by
Mr. Cornwall Lewis and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
6 June 1850.

426.

Under 2 os.

Population Bill.

[AS AMENDED BY THE COMMITTEE.]

ARRANGEMENT OF CLAUSES.

An Account of the Population in England and Scotland to be taken ;
Sect. 1.

One of Her Majesty's Principal Secretaries of State to have the
Superintendence of the taking such Account ; 2.

Registrars Districts in England to be formed into Enumeration
Districts, to which Enumerators are to be appointed ; 3, 4.

Enumerators to take the Account of the Population in England
on 9th June 1851 ; 5.

The Accounts to be verified by the Registrars ; 6.

Superintendent Registrars to collect the Accounts, and to return
them to the Secretary of State ; 7.

Abstracts of the Returns to be printed, and to be laid before
Parliament ; 8.

Copies of this Act, and of all Forms, &c., to be sent to the Sheriffs
Depute, Provosts, &c. in Scotland ; 9.

Schoolmasters or other Persons to be appointed by Sheriffs Depute,
&c. to take the Account required in Scotland ; 10.

The Sheriffs Depute or their Substitutes in Scotland to receive the
Returns made by Schoolmasters, &c. ; 11.

The original Accounts taken by Schoolmasters, &c. in Scotland to be
transmitted to the Secretary of State ; 12.

Householders Schedules to be prepared, and to be left at Dwelling
Houses ; Schedules to be filled up and signed by the Occupiers,
and delivered to the Enumerator ; Penalty for Neglect ; 13.

Schedules to be collected from House to House, and, if found
erroneous, to be corrected ; 14.

Masters and Keepers of Gaols, Workhouses, &c. to be appointed
Enumerators of the Inmates thereof ; 15.

Overseers, Relieving Officers, and Peace Officers, if required, to act
as Enumerators ; Penalty for Neglect ; 16.

Returns to be made of houseless Poor, and of Persons travelling and
on Shipboard ; 17.

Table of Allowances to Enumerators, &c. in England to be prepared,
and laid before Parliament ; 18.

Mode in which the Payments are to be made to Enumerators and other Persons employed in execution of this Act in England; Apportionment of Payments where a District consists of more than One Parish; to whom Payment to be made in extra-parochial Places; 20.

Parishes, &c. to be reimbursed Allowances defrayed by them; 21.

Within One Calendar Month after Payments made, the Amount to be certified to the Secretary of State; 22.

Allowances to be made to Sheriffs Clerks, Schoolmasters, &c. in Scotland; 23.

Penalty for wilfully making default, or false Declaration; 24.

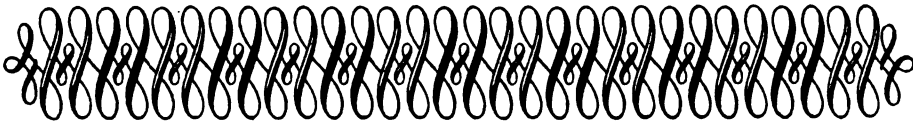
Enumerators empowered to ask necessary Questions; and Penalty for refusing Information, or giving false Answers; 25.

How Penalties shall be recovered and applied; 26.

Explanation of Terms; 27.

Act may be amended or repealed this Session; 28.

21 June 1850. 13 & 14 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

FOR

Taking account of the Population of Great Britain.

WHEREAS it is expedient to take an Account of the total Preamble.
Number of Persons within Great Britain: Be it enacted
by the Queen's most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and Com-
5 mons, in this present Parliament assembled, and by the Authority
of the same, That at the Time and in the Manner herein-after Account of the Popula-
tion to be taken.
directed an Account shall be taken of the Number of Persons who
at the Time of taking such Account shall be within England and
Scotland respectively, and the Persons employed in taking such
10 Account shall set down the several Particulars respecting the same
according to such Form as shall be prescribed as herein-after
mentioned.

II. And be it enacted, That One of Her Majesty's Principal Secretary of State to
superintend the taking an
Account of the Popula-
tion.
Secretaries of State shall have the Care of superintending the taking
15 of such Account, and shall cause to be prepared and printed, for
the Use of the Persons to be employed in taking such Account, such
Forms and Instructions as he shall deem necessary; and the Registrar
General shall issue all such Forms and Instructions to the Persons
for whose Use they shall be intended; and all the Expenses which
471. shall

shall be incurred by such Secretary of State under this Act, and not herein otherwise provided for, shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Registrars
Districts in
England to
be formed
into Enume-
ration Dis-
tricts.

III. And be it enacted, That every Registrar's District in England shall be formed into Enumeration Districts according to Instructions 5 to be prepared by or under the Direction of such Secretary of State, who shall cause a sufficient Number of Copies of such Instructions to be sent to every Registrar of Births and Deaths in England on or before the Thirty-first Day of December next; and the Registrars, with all convenient Speed, shall divide the several Districts into 10 Enumeration Districts according to such Instructions, and subject in each Case to be revised by the Superintendent Registrars, and to the final Revision and Approval of the said Registrar General.

Enumerators
to be ap-
pointed.

IV. And be it enacted, That the several Registrars of Births and Deaths in England shall make and return to their respective Superin- 15 tendent Registrars a List containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to Instructions to be prepared by or under the Direction of such Secretary of State, to take account of the Population within their several Districts, and such Persons, when approved of by the Superintendent Registrar, 20 shall be appointed by him Enumerators for taking such Account, subject nevertheless to the Approval of the said Registrar General; and the Registrar, with the Approval of the Superintendent Registrar, shall assign a District to each Enumerator, and shall distribute to the several Enumerators in his District the Forms and Instructions 25 which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator thoroughly understands the Manner in which the Duties required of him are to be performed.

Enumerators
to take the
Account in
England on
9th June
1851.

V. And be it enacted, That upon Monday the Ninth Day of 30 June in the Year One thousand eight hundred and fifty-one every such Enumerator, under the Direction of the Registrar of the District, shall visit every House within his District, except as herein- after provided, and shall take an Account in Writing of the Name, Sex, Age, and Occupation of every living Person who abode therein 35 on the Night of Sunday the Eighth Day of the said Month of June, and shall also ascertain which of such Persons are Foreigners, and shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his District; and shall also take an Ac- 40 count of all such further Particulars as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into;

into; and in such Account each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his District, or such Parts thereof as shall be within his District, and shall also distinguish those Parishes and Places or Parts of Parishes
 5 and Places within his District which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or of any incorporated City or Borough, or of any Ecclesiastical District, and shall sign and deliver such Account to the Registrar of the District, and also a Form or
 10 Declaration to the Effect that the said Account has been truly and faithfully taken by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared by or under the Direction of such Secretary of State, and issued by the Registrar General with the Forms and Instructions
 15 aforesaid.

VI. And be it enacted, That the Registrar to whom such Accounts shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not shall cause any Defect or Inaccuracy in the said Accounts to
 20 be supplied, so far as may appear possible; and when the Accounts shall have been made as accurate as is possible the Registrar shall deliver them to the Superintendent Registrar of his District.

Registrars to verify the Accounts.

VII. And be it enacted, That the Superintendent Registrar shall examine all the Accounts which shall be so delivered to him, and
 25 shall satisfy himself how far the Registrars have duly performed the Duties required of them by this Act, and shall cause any Inaccuracies which he shall discover in such Accounts to be corrected, so far as may be possible, and shall return on or before the First Day of August One thousand eight hundred and fifty-one all the Accounts
 30 which shall have been delivered to him to the Registrar General, for the Use of such Secretary of State.

Superintendent Registrars to collect Accounts, and return them to Secretary of State.

VIII. And be it enacted, That such Secretary of State shall cause Abstracts to be made of the said Returns; and such Abstracts shall be printed, and laid before both Houses of Parliament within Twelve
 35 Calendar Months next after the First Day of August in the Year One thousand eight hundred and fifty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Abstracts of Returns to be printed, and laid before Parliament.

IX. And be it enacted, That the Registrar General shall send a
 40 printed Copy of this Act, and also a sufficient Number of all Forms and Instructions which the said Secretary of State shall have caused
 471.

Copies of this Act, &c. to be sent to the Sheriffs to

Depute, Provosts, &c. in Scotland.

to be prepared, to the Sheriff Depute of every County and Stewartry in Scotland, and to the Provost or other Chief Magistrate of every Royal Burgh, and of every Parliamentary Burgh having a Provost and Magistrates in Scotland, with such Alterations in the said Forms and Instructions as to such Secretary of State shall seem necessary 5 to make them applicable to the Circumstances of each Case.

Sheriffs Depute, &c. in Scotland to appoint Schoolmasters or other Persons to take the Account required in Scotland.

X. And be it enacted, That the Sheriffs Depute or their Substitutes in their respective Counties and Stewartries, and the Provost or other Chief Magistrate of the Royal and Parliamentary Burghs within the said Burghs, shall nominate and appoint, in Writing under 10 the Hand of their respective Clerks, the Schoolmaster or other fit Person or Persons in each Parish or Part of a Parish or Place within their respective Jurisdictions to take account of the several Matters required by this Act; and the Sheriffs Officers and Town Officers respectively shall forthwith deliver the Forms and Instructions prepared as aforesaid for their Use to the Schoolmaster or other Person or Persons so appointed; and on the said Ninth Day of June in the Year One thousand eight hundred and fifty-one the Schoolmaster or other Person or Persons so appointed shall visit every House within their District, and shall take an Account in Writing of the 20 Name, Sex, Age, and Occupation of every living Person who abode therein on the Night of the said Eighth Day of the said Month of June, and shall also ascertain which of such Persons are Foreigners, and also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within their District; and shall also take an Account of all such further Particulars as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in such Account the Enumerators shall distinguish the several Parishes and Places maintaining their own Poor, and shall also 30 distinguish those Parishes and Places, or Parts of Parishes and Places, which are within the Limits of any City, Burgh, or Town returning or contributing to return a Member or Members to serve in Parliament, or Royal Burgh, and shall then exhibit the same to the Minister of the Parish, for his Correction and Approbation, and for any Observations which he may think fit to write thereupon; and the several Schoolmasters and other Persons appointed shall thereafter sign the same with their Names and ordinary Designations. 35

Returns to be made to the Sheriffs Depute or their Substitutes in Scotland.

XI. And be it enacted, That the Sheriffs Depute or their Substitutes, and the Provost or other Chief Magistrates of the Royal and Parliamentary Burghs, within their respective Jurisdictions, shall appoint a Time or Times, which shall not be sooner than the Sixteenth Day of the said Month of June, nor later than the last 40

last Day of the said Month of June, for the Schoolmaster, Person or Persons, appointed by them as aforesaid, to attend at their Offices, or at such other Places as they shall appoint, with their Returns to be made under this Act, and the said Sheriffs Depute
 5 or their Substitutes and Provosts or other Chief Magistrates shall cause Notice to be given to them respectively for that Purpose accordingly, and shall then and there receive the Returns to be made as aforesaid, and cause every Schoolmaster or Person appointed to make such Returns as aforesaid to make a Decla-
 10 ration to the Effect that the said Account has been truly and faithfully taken, and that to the best of his Knowledge the same is correct, so far as may be known; and such Sheriffs Depute or their Substitutes and Provosts or other Chief Magistrates aforesaid, if they see Cause, may examine the said Schoolmaster, Person or Persons,
 15 touching any of the Matters contained in such Questions and Answers, especially as to the distinct Population of Parts of Parishes not only contained in one and the same County, or partly included in any Parliamentary Burgh (as aforesaid) or Royal Burgh, and shall thereafter direct their respective Clerks to indorse the same (if not
 20 previously indorsed) with the Name of the County and District thereof wherein the Parish or Place therein mentioned is situated, or otherwise (in Cases where the said Sheriffs Depute or their Substitutes shall think proper) they shall direct the Schoolmasters and other Persons aforesaid to verify the said Returns and Answers before any
 25 Justice of the Peace within the County, and thereafter to transmit the Schedule, previously to the said last Day of June, in any convenient Manner, to the said Sheriffs Depute or their Substitutes, who shall direct the same to be indorsed as aforesaid.

XII. And be it enacted, That the Sheriffs Depute or their Sub-
 30 stitutes, and Provosts or other Chief Magistrates of the Royal and Parliamentary Burghs, in Scotland, shall on or before the First Day of August One thousand eight hundred and fifty-one send the several original Accounts so taken in Writing by the School-
 masters or other Persons appointed as aforesaid in every Parish or
 35 Place in Scotland (together with a List of the Parishes and Places within their respective Counties, Ridings, or Divisions from whence no Returns have been made to them,) to the Registrar General for the Use of such Secretary of State, who shall cause Abstracts thereof to be made and printed and laid before both Houses of Parliament
 40 within Twelve Months after the said First Day of August, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Original Accounts taken by Schoolmasters in Scotland to be transmitted to Secretary of State.

XIII. And be it enacted, That Schedules shall be prepared by or
 under the Direction of such Secretary of State for the Purpose
 471, B of Household-ers Schedules to be left at

said Account in Scotland, shall in the course of the Week ending on Saturday the Seventh Day of June in the Year One thousand eight hundred and fifty-one leave or cause to be left at every Dwelling House within their respective Districts One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof, and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Person charged with taking the said Account will collect all such Schedules within his District on the Monday then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule, so filled up, or cause the same to be delivered, to the Person charged with taking the said Account, when required so to do; and every such Occupier who shall wilfully refuse or without lawful Excuse neglect to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than *Five Pounds* nor less than *Two Pounds*.

Occupiers to fill up the Schedules, and sign and deliver them to the Enumerator.

Penalty for Neglect.

Schedules to be collected from House to House, and corrected if found to be erroneous.

XIV. And be it enacted, That the Persons charged with taking the said Accounts in Great Britain shall collect all the Schedules so left within their District from House to House, and, so far as may be possible, on the said Monday the Ninth Day of June, and shall complete such of the Returns so made to them as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Returns so made to them, when completed and corrected, into the Account which they are required to take of the Persons living within their several Districts, and shall add thereunto the Accounts which they shall have taken of all the other Persons living within their District, in the Manner herein prescribed, who shall not be included in the Returns so made to them.

Masters, &c. of Gaols, &c. to be ap-

XV. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic

Lunatic Asylum, and of every public or charitable Institution, which shall be determined upon by one of the said Secretaries of State, shall act as the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the
 5 Authority of one of the said Secretaries of State, for obtaining the Returns required by this Act, so far as may be practicable, with respect to such Inmates.

XVI. And be it enacted, That the Overseers of the Poor in every Parish, Township, and Place in England and Wales, and the Con-
 10 stables, Tithingmen, Headboroughs, or other Peace Officers for such Parishes, Townships, and Places, and the Relieving Officers in any Union formed under the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled "An Act for the
 "Amendment and better Administration of the Laws relating to the
 15 "Poor in England and Wales," shall be bound to act as Enumerators under this Act within their respective Townships, Parishes, and Places, if required so to act by one of the said Secretaries of State; and every such Overseer, Relieving Officer, Constable, Tithingman, Headborough, and other Peace Officer who shall refuse or wilfully
 20 neglect so to act, and duly to perform the Duties required of the said Enumerators by this Act, shall for every such Offence forfeit a Sum not more than *Ten Pounds* nor less than *Five Pounds*.

XVII. And be it enacted, That such Secretary of State shall obtain, by such Ways and Means as shall appear to him best adapted
 25 for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who during the said Night of Sunday the Eighth Day of June were travelling or on Shipboard, or for any other Reason were not abiding in any House of which Account is to be taken by the Enumerators, Schoolmasters,
 30 and other Persons as aforesaid, and shall include such Returns in the Abstracts to be made by him as aforesaid.

XVIII. And be it enacted, That the Persons charged with taking the said Accounts shall not be required to ascertain the Age of any Person above the Age of Fifteen Years more nearly than is herein
 35 provided, nor shall any Person be liable to any Penalty for refusing to tell his or her Age to any Person so charged, more nearly than is herein provided; and every Person aged Fifteen Years and not aged Twenty Years may be set down as aged Fifteen Years; and every Person aged Twenty Years and not aged Twenty-five Years may be
 40 set down as aged Twenty Years; and in like Manner the Age of every Person above the Age of Fifteen Years may be set down as
 426. that

pointed Enumerators of the Inmates thereof.

Overseers, Relieving Officers, and Peace Officers bound to act as Enumerators. 4 & 5 W. 4. c. 76.

Returns of houseless Poor and of Persons travelling or on Shipboard.

How Age shall be reckoned.

Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Manner in which the Payments shall be made to Persons employed in execution of this Act in England.

Apportionment of Payments where more than One Parish in a District.

As to extra-parochial Places.

XIX. And be it enacted, That the Guardians of the Poor, or, where there are no such Guardians, the Overseers of the Poor in every Superintendent Registrar's District in England, shall pay to such 5 Superintendent Registrar, out of the Monies in their Hands as such Guardians or Overseers, the whole Amount of the Allowances to which the said Superintendent Registrar, and the Registrars, Enumerators, and other Persons in that District, are severally entitled, according to the said Table; and each Superintendent Registrar shall pay 10 over to the Registrars in his District the Allowances to which the said Registrars, Enumerators, and other Persons are entitled; and each Registrar shall pay over to the Enumerators and other Persons in his District the Allowances to which they are severally entitled, according to the said Table; and the Receipts to be given by the Enumerators and other Persons, Registrars and Superintendent Registrars, 15 for Payment of their said Allowances, shall be delivered to the Guardians or Overseers, as the Case may be; and where the District of any Superintendent Registrar, Registrar, or Enumerator contains more than One Parish or Place, or Parts of more than One Parish or 20 Place, the Guardians established under the said Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales, or, if there be no such Guardians, the Superintendent Registrar, shall apportion the whole Sum so paid or to be paid on account of that District among the several Parishes and 25 Places of which any Part is within such District, in such Manner as to them or him shall seem just; and such Apportionment shall be binding upon all Persons, and the Payment thereof shall be allowed in the Accounts of the Guardians and Overseers of the Poor of the said several Parishes and Places; and in every extra-parochial 30 or other Place not having Overseers of the Poor the Persons appointed to collect the County or Borough Rates therein shall be deemed Overseers of the Poor within the Meaning of this Act, and shall pay the Amount charged to the Account of such Place under the Provisions of this Act to the Guardians of the Union in which 35 such Place is situated, or, if it be not situated in any Union, to the Superintendent Registrar, out of the next Monies in their Hands collected for the County or Borough Rate within such Place, and shall be allowed such Payment in their Accounts; and if there be any extra-parochial Place in which no County or Borough Rate, or 40 Rate in the Nature of a County Rate, is collected, the Treasurer of the County, Riding, or Division, or Borough, shall pay the Amount charged to the Account of such Place out of the Monies in his Hands as such Treasurer, and shall be allowed such Payment in his Account;

shall pay the Amount charged to the Account of such Place under the Provisions of this Act to the Guardians of the Union in which such Place is situated, or, if it be not situated in any Union, to the Superintendent Registrar, out of the next Monies in their Hands
5 collected for the County or Borough Rate within such Place, and shall be allowed such Payment in their Accounts; and if there be any extra-parochial Place in which no County or Borough Rate, or Rate in the Nature of a County Rate, is collected, the Treasurer of the County, Riding, or Division, or Borough, shall pay the Amount
10 charged to the Account of such Place out of the Monies in his Hands as such Treasurer, and shall be allowed such Payment in his Account: Provided always, that no such Payment shall be made to any Enumerator or other Person who shall be required to act as an Enumerator under this Act, but upon Production of a Certificate
15 under the Hand of the Registrar that the Duties required of such Enumerator or other Person acting as Enumerator by this Act have been faithfully performed, and the like Certificate shall be required under the Hand of the Superintendent Registrar with respect to the Registrar before any Payment shall be made to the Registrar, and the
20 like Certificate under the Hand of one of the said Secretaries of State with respect to the Superintendent Registrar before any Payment shall be made to the Superintendent Registrar.

XXI. And be it enacted, That all Allowances defrayed as aforesaid
by any Parish or Place, or by the Guardians or Overseers on behalf
25 thereof, or by the Treasurer of any County, Riding, Division, or Borough, shall be reimbursed to such Parish, Place, or Treasurer by the Commissioners of Her Majesty's Treasury, out of such Monies
as shall be provided by Parliament for that Purpose.

Parishes, &c.
to be reim-
bursed out of
Monies to be
provided by
Parliament.

XXII. And be it enacted, That the Superintendent Registrar of
30 every District in England shall within One Calendar Month next after any such Payment shall have been made as aforesaid certify to one of the said Secretaries of State the total Amount of the Allowances to which he, and the Registrars, Enumerators, and other Persons in that District, are respectively entitled, according to the
35 said Table.

Payments to
be certified
to the Secre-
tary of State.

XXIII. And be it enacted, That the Sheriffs Depute or their Sub-
stitutes, and Provosts or other Chief Magistrates of the Royal and
Parliamentary Burghs, in Scotland, shall allow to the Sheriff Clerk
or Town Clerk respectively, for the Return which shall be made and
40 transmitted from every Parish or Place in Scotland, the Sum of *One Shilling*, and to the Sheriff's Officer or Town Officer who shall distribute the Schedule to the Schoolmasters and others, for the like, the
426. C Sum

Payments to
be made to
Persons in
Scotland.

Sum of Two Shillings and Sixpence ; and the said Sheriffs Depute or their Substitutes, and Provosts or other Chief Magistrates of the Royal Burghs and other Burghs, in Scotland, herein specified, shall allow to the Schoolmasters and others a reasonable Compensation for the Trouble by them necessarily taken, and also for the Expenses (if 5 any) by them necessarily incurred in the Execution of this Act, and shall order Payment thereof, and also of the Sums respectively payable to the Sheriff's Clerk or Town Clerk, and to the Sheriff's Officer or Town Officer, to be made by the Collector of the Land Tax of and for the Shire or other Place (as the Case shall require), 10 out of any Money in his Hands, and such Collector shall pay the same accordingly.

Penalty for
wilful De-
fault.

XXIV. And be it enacted, That every Superintendent Registrar and Registrar, and every Enumerator and other Person who shall be required to act as Enumerator, in England, and also every School- 15 master in Scotland, so appointed as aforesaid, making wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding *Five Pounds* nor less than *Two Pounds*. 20

Penalty for
refusing In-
formation or
giving false
Answers.

XXV. And be it enacted, for the better enabling the said Secretary of State, Enumerators, Schoolmasters, and other Persons employed in the Execution of this Act, to make the said Inquiries and Returns, That the said Enumerators, Schoolmasters, and other Persons shall be authorized to ask all such Questions as shall be directed in any 25 Instructions to be prepared by or under the Direction of the said Secretary of State, which shall be necessary for obtaining the Returns required by this Act ; and every Person refusing to answer or wilfully giving a false Answer to such Questions or any of them shall for every such Refusal or wilfully false Answer forfeit a Sum not exceed- 30 ing *Five Pounds* nor less than *Twenty Shillings*.

Recovery
and Appli-
cation of
Penalties.

XXVI. And be it enacted, That Forfeitures imposed by this Act for Offences in England shall be recovered in a summary Manner before Two Justices of the Peace having Jurisdiction in the County or Place where the Offence is committed, in the Manner 35 prescribed by Law in this Behalf ; and Forfeitures imposed by this Act for Offences in Scotland may be recovered before the Sheriff or Two Justices, who may proceed in a summary Way, and grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness 40 or Witnesses, or other legal Evidence, he or they may forthwith determine and give Judgment, without any written Pleadings or Record

XXVI. And be it enacted and declared, for Explanation of the full Intent and Meaning of certain Words used in this Act, That the Words "Parish or Place, Parishes or Places," shall include the various Denominations of Townships, Tithings, Hamlets, Villages, Chapelries, 5 Quarters, Wards, Parcels, Lordships, Manors, or Parts of any Parish, and all other Places, whether denominated Vills, Precincts, or otherwise, and whether connected with any Parish or deemed to be extra-parochial.

XXVII. And be it enacted, That this Act may be amended or 10 repealed by any Act to be passed in this present Session of Parliament.

Explanation
Clause.

Act may be
amended this
Session.

Population.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For taking account of the Population of
Great Britain.

(Prepared and brought in by
Mr. Cornwall Lewis and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
21 June 1850.

471.

Under 200.

11 June 1850. 13 VICT.



(Ireland.)

A

B I L L

FOR

Taking an Account of the Population of Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS it is expedient that an Account of the Population Preamble.
of Ireland be taken: Be it enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
5 Parliament assembled, and by the Authority of the same, That such
Account be taken at the Time and in the Manner herein-after
directed.

II. And be it enacted, That such Officers and Men of the Police By whom
the Account
shall be
taken.
Force of Dublin Metropolis, and of the Constabulary Force, as the
10 Lord Lieutenant or other Chief Governor or Governors of Ireland
shall direct, together with such other competent Persons as the said
Lord Lieutenant or other Chief Governor or Governors shall appoint
to assist therein, shall, upon One or more consecutive Days in the
Month of June in the Year One thousand eight hundred and fifty-
15 one, as the said Lord Lieutenant or other Chief Governor or
Governors shall fix, severally visit every House within such Districts
as may be assigned to them respectively, and take an Account in
Writing, according to such Instructions as may be given to them by
the Chief or Under Secretary to the said Lord Lieutenant or other
439. Chief

A

Chief Governor or Governors, of the Number of Persons dwelling therein, and of the Sex, Age, and Occupation of all such Persons, distinguishing the Persons born in the Place or Parish and County in which they shall be then dwelling ; and shall also take an Account of the Number of inhabited Houses and of uninhabited Houses, and 5 of Houses then building within such Districts respectively ; and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, within each District respectively, which are within the Limits of any City or Borough returning a Member or Members to serve in Parliament ; and shall also take an Account of all such further 10 Particulars as by such Instructions they may be directed to inquire into, such Particulars and Instructions having no Reference to the Religion of any Person or Persons.

Masters, &c.
of Gaols, &c.
to be ap-
pointed Enu-
merators of
the Inmates
thereof.

III. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic 15 Asylum, and every Barrack Master, and every Master or Keeper of every public or charitable Institution which shall be determined upon by the said Lord Lieutenant or other Chief Governor or Governors, shall act as the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Autho- 20 rity of the said Lord Lieutenant or other Chief Governor or Governors for obtaining the Returns required by this Act, so far as may be practicable with respect to such Inmates.

Forms, &c.
to be fur-
nished for
their Use.

IV. And for the more effectual obtaining of such Accounts, be it enacted, That the said Chief or Under Secretary shall prepare and 25 cause to be printed such Forms and Instructions for the Use of the several Persons who shall be appointed as aforesaid to take or certify the said Accounts as he shall deem necessary.

Power to
make the
Inquiry.

V. And be it enacted, That the better to enable such Persons to take the said Accounts they are hereby authorized and empowered to 30 ask all such Questions of all Persons within their respective Districts, respecting themselves or the Persons constituting their respective Families, and of all such further Particulars as shall be directed by their said Instructions, or shall be necessary for the Purpose of taking the said Accounts. 35

Penalty for
refusing to
answer, or
for giving
false An-
swers.

VI. And be it enacted, That every Person refusing to answer or wilfully giving a false Answer to any such Questions, and every Person in any way wilfully obstructing such Persons in the Execution of the Duties required of them under this Act, shall for every such Refusal, false Answer, or wilful Obstruction, on Proof thereof being made before 40 any Two Justices of the Peace of the County in which such Persons shall

shall reside, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding *Five Pounds*, at the Discretion of the said Justices before whom such Complaint shall be so made.

VII. And be it enacted, That every Member of the said Police
 5 or Constabulary Forces, or other Person, who shall be so appointed to take the said Accounts or to assist therein, who shall make any wilful Neglect, Default, or Falsification in any Matters relating to the said Accounts, shall for every such Neglect, Default, or Falsification, on Proof thereof being made before any Two Justices of the
 10 Peace of the County in which he shall so act, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding *Five Pounds* nor less than *Forty Shillings*, at the Discretion of the said Justices before whom such Complaint shall be so made.

Penalty on Persons employed if guilty of wilful Default or Neglect.

VIII. And be it enacted, That the Amount of such several
 15 Forfeitures which may be received under this Act shall, if not immediately paid, be levied by Warrant under the Hands and Seals of any Two Justices of the Peace of the County, in such Manner as is directed by a certain Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act for the
 20 " better Collection of Fines, Penalties, Issues, Deodands, Amercia-
 " ments, and forfeited Recognizances in Ireland, and for the Ap-
 " propriation thereof," and that the Amount of such Forfeitures, when so paid or levied, shall be paid, one Half to the Informer, and the other Half to the Credit of and to be appropriated in the same
 25 Manner as the surplus Fund under the said Act.

Penalties how to be recovered and applied.

6 & 7 Vict. c. 56.

IX. And be it enacted, That the said several Persons so appointed to take the said Accounts, or to assist therein, shall sign and certify the same, and make solemn Affirmation before any Justice of the Peace within the County, to the Effect that the said Account has
 30 been truly and faithfully taken by him (or them), and that to the best of his (or their) Knowledge the same is correct, so far as may be known, and shall deliver the same to such Officer of the said Police or Constabulary Forces, or other Person as may be appointed by the said Lord Lieutenant or other Chief Governor or Governors
 35 to receive the same, within each County, City, Town, or Place ; and such Officer or Person shall examine the same, and cause any Defect or Inaccuracy which may be discovered therein to be supplied or corrected so far as may be possible, and shall certify and transmit the same to the Office of the said Chief or Under Secretary, in such
 40 Manner and within such Time as the said Lord Lieutenant or other Chief Governor or Governors shall direct, and the same shall be digested and reduced into Order under the Direction of the said

The Persons taking the Accounts to certify and affirm as to their Correctness, and deliver them to the Officer appointed to receive them.

Such Officer to transmit them to the Office of the Chief Secretary.

An Abstract
thereof to be
laid before
Parliament.

Chief or Under Secretary, by such Persons as the said Lord Lieutenant or other Chief Governor or Governors shall appoint for that Purpose; and that an Abstract thereof shall be laid before both Houses of Parliament within *Twelve* Months after the Day on which the said Account shall be taken, or (if Parliament be not then sitting) 5 within the first *Fourteen* Days of the Session next ensuing.

Punishment
of Persons
wilfully
making false
Affirmation
or Declara-
tion.

X. And be it enacted, That every solemn Affirmation or Declaration made or signed under the Authority of this Act shall be of the same Force and Effect as if the Person making such Affirmation or Declaration had taken an Oath in the usual Form, so that if the 10 Person making such Affirmation or Declaration shall be convicted of having therein wilfully and falsely affirmed or declared any Matter or Thing, he shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful Perjury are subject.

Act may be
amended this
Session.

XI. And be it enacted, That this Act may be amended or repealed 15 by any Act to be passed in this present Session of Parliament.

(Ireland.)

Population.

A

BILL

For taking an Account of the Population
of Ireland.

(Prepared and brought in by
Sir William Somerville and Mr. Solicitor
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
11 June 1850.

439.

Under 1 oz.

30 July 1850. 13 & 14 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend an Act passed in the Tenth Year of Her present Majesty's Reign, for empowering the Commissioners of Her Majesty's Woods to purchase Land for a Harbour of Refuge and Breakwater in the Isle of Portland; and to make further Provisions for the Division and Application of the Purchase Money.

[Note.—*The Clauses marked A. to I. were added by the Select Committee.*]

WHEREAS an Act was passed in the Session of Parliament holden in the Tenth Year of Her present Majesty, intituled "An Act to empower the Commissioners of Her Majesty's Woods to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the Isle of Portland in the County of Dorset," and thereby the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered, out of any Monies granted by Parliament for Harbours of Refuge, to purchase and to extinguish the Estates, Rights, and Interests claimed by the Tenants and Inhabitants of the Manor of Portland in, upon, and over the Common and Commonable Lands of the said Manor mentioned in the Schedule to the said Act, and to

Preamble.
10 & 11 Viet.
c. 24.

640. A pay

pay the Price for the same into the Bank of England to the Account of the Inclosure Commissioners for England and Wales; and by the said Act it was enacted, that as soon as the said Monies should have been paid into the Bank as aforesaid the said Inclosure Commissioners for England and Wales, or any Assistant Commissioner 5 appointed by them for that Purpose, should proceed to ascertain, determine, and award the Names of the Parties who were entitled to such Estates, Rights, and Interests in the said Common and Commonable Lands, and the Amount or Value of their respective Shares, Rights, and Interests therein, and the proportionate Amount of the 10 Price to be paid for such Estates, Rights, and Interests to which each Party so entitled as aforesaid was entitled in respect of his Share, Right, or Interest as aforesaid; and the Award of the said last-mentioned Commissioners, under their Common Seal, or Assistant Commissioner, in Writing under his Hand and Seal, should be binding 15 on all Parties claiming such Estates, Rights, and Interests as aforesaid; and it was also enacted, that all Costs and Expenses of the said Inclosure Commissioners and Assistant Commissioner should in the first place be paid out of the Monies so to be paid into the Bank of England, and that the Residue of the said Monies should be paid 20 and divided between and amongst the said several Parties to be named in the said Award, and in the Shares and Proportions to be ascertained and set forth in such Award: And whereas the said Estates, Rights, and Interests were some Time since, in pursuance of the Provisions of the said recited Act in that Behalf, purchased for 25 the Sum of Twenty thousand Pounds Sterling, the whole of which Sum was paid into the Bank of England to the Account of the Inclosure Commissioners for England and Wales: And whereas Nathan Wetherell, Esquire, was duly appointed by the Inclosure Commissioners for England and Wales an Assistant Commissioner for 30 the Purpose of the said recited Act, and as such Assistant Commissioner the said Nathan Wetherell held Meetings in the said Isle of Portland for the Purpose of ascertaining and deciding upon the Claims of the several Parties interested in the said Purchase Money so paid for the said Common and Commonable Lands: And whereas 35 at such Meetings the said Nathan Wetherell was attended by the Counsel and Solicitors of the said Tenants and Inhabitants respectively; and at One of such Meetings held on the Seventh Day of April One thousand eight hundred and forty-eight the said Tenants and Inhabitants, by their respective Counsel and Solicitors, came to an 40 Arrangement or Agreement in Writing in relation to the said Sum of Twenty thousand Pounds, which was signed on their respective Behalves by the said Counsel, and was to the Effect that Half the said Sum of Twenty thousand Pounds should be divided between the said Tenants according to the Rents paid by them respectively, 45
and

and that the Sum of Five thousand Pounds, further Part of the said Sum of Twenty thousand Pounds, should be applied for the general Benefit of the Inhabitants of the said Isle, as the Board of Woods should decide, and that out of the remaining Five thousand
5 Pounds of the said Sum of Twenty thousand Pounds, and the Dividends and Interest upon the whole Fund until applied, the Claims of the Lessees of the Crown (if any) in the said Common and Commonable Land should be satisfied, and the Costs of all Parties properly incurred should be paid, and that the Surplus or Residue of the said
10 last-mentioned Sum of Five thousand Pounds, and the Dividends and Interest, should be applied for the Benefit of the said Inhabitants, as the Board might further decide, and that the said Board should decide all Questions as to the Propriety and Amount of the Costs in relation to the Premises, in case the Parties should differ about the
15 same, and that an Act, or Clauses in a Government Act, should be obtained for carrying out the said Arrangement, if requisite: And whereas, after the said Arrangement or Agreement was come to, the said Nathan Wetherell, by an Award in Writing under his Hand and Seal, bearing Date the Twenty-fifth Day of June One thousand
20 eight hundred and forty-nine, awarded that the Persons named in the First Schedule thereto were entitled, as Tenants of the said Manor, to Estates, Rights, and Interests in the said Common and Commonable Lands taken by the said Commissioners of Her Majesty's Woods, and that the Sums written opposite the Name and Names of the
25 Person or Persons so named was the proportionate Amount of the Price to be paid to such Person or Persons as aforesaid for their respective Estates, Rights, and Interests in the said Common and Commonable Lands, and that the Persons named in the Second Schedule to his said Award were entitled, as Lessees of the Crown,
30 to certain Rights and Interests upon and over the said Common and Commonable Lands, and that the total Price payable to such Lessees should be Five hundred and fifty-two Pounds Eleven Shillings, and that the Sums set opposite their respective Names were the proportionate Amounts of the said Price to be paid to them respectively for
35 and in respect of the said Rights and Interests: And whereas the total Sum so awarded by the said Nathan Wetherell as aforesaid, exclusive of the said Sum of Five hundred and fifty-two Pounds Eleven Shillings, was the Sum of Ten thousand Pounds, and the whole of the said Sums of Ten thousand Pounds and of Five hundred and fifty-two Pounds Eleven Shillings have actually been paid, in
40 accordance with the aforesaid Award of the said Nathan Wetherell: And whereas the said Lands are now in the Possession of the Crown, and used and occupied for the Public Service: And whereas Disputes and Differences have arisen amongst the Parties interested or claiming
45 to be interested as regards the said recited Agreement, and the

640.

Appropriation

Appropriation of the Monies in pursuance thereof, and it is expedient that such Disputes and Differences should be set at rest, and that Provision should be made for the Application of the Residue of such Purchase Money for the Benefit of the Parties interested therein who have not hitherto received Compensation for their Rights and 5 Interests, and that all Acts and Payments already done and made under the said recited Act and Award should be confirmed, and that the said recited Act should be amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Con- 10 sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Award of the said Nathan Wetherell, and all Acts and Payments already done and made thereunder, or under the said Arrangement or Agreement, shall be and the same are hereby sanc- 15 tioned and confirmed.

Acts and Payments done and made under Award confirmed.

Application of the 20,000*l.* and Interest.

II. And be it enacted, That out of so much of the said Sum of Twenty thousand Pounds as remains after Payment of the Monies which have already been paid or applied under or in pursuance of the aforesaid Arrangement or Agreement, or the said Award, or the said 20 recited Act, or any of them, and out of the Interest and Dividends which have accrued and shall accrue in respect of the whole of the said Sum of Twenty thousand Pounds, or of such Portion thereof as shall for the Time being have been actually unpaid, shall be paid all Costs, Charges, and Expenses incidental to the future carrying out 25 of the said Arrangement or Agreement and Award, and to the obtaining of this Act, and carrying into effect all Acts, Matters, and Things by this Act or by the said recited Act (except in so far as the same is hereby repealed) sanctioned and authorized or directed, together also with the Costs, Charges, and Expenses properly incurred 30 up to and inclusive of the Twenty-fourth Day of July One thousand eight hundred and fifty by or on behalf of the Petitioners to Parliament against this Act, and in the event of any Difference as to any of the said Costs, Charges, and Expenses the same shall be ascertained and taxed by the proper Officer.

35

CLAUSE A.
Mode of applying ultimate Residue of the 20,000*l.*

III. And be it enacted, That the ultimate Residue of the said Sum of Twenty thousand Pounds, Interest and Dividends, shall be appropriated and paid, or applied, laid out, or invested, in manner following; (that is to say,) the Sum of One thousand Pounds, Part of the said ultimate Residue, shall be applied in or towards providing and 40 constructing Wells, Pumps, Tanks, Reservoirs, and other Works, for the better Supply of Water to or for the several Villages in the said Island for the Use of the Inhabitants at large of the said Island, one

one Half of the said Sum of One thousand Pounds to be paid over for that Purpose by the said Inclosure Commissioners to the Church wardens and Overseers of the Poor of the said Island for the Time being, upon the Production by them to the said Commissioners of a
5 Contract or Contracts with the said Churchwardens and Overseers by some competent and responsible Person or Persons for the Execution of such Works to the Satisfaction of such Commissioners, and the other Half thereof to be paid over to the same Parties on the Production to the said Commissioners of a Certificate of a practical
10 Engineer, or other competent Person, of the due and proper Execution of such Works, according to such Contract or Contracts; the Sum of One thousand Pounds, other Part of the said ultimate Residue, shall be forthwith invested by the said Inclosure Commissioners in the Purchase of Three Pounds per Centum Consolidated
15 Bank Annuities in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being as Trustees thereof; and the Dividends and Income of such Investment (after deducting any Expenses attending the Transfers and Management thereof) shall from Time to Time be
20 paid over half-yearly by the said last-mentioned Commissioners to the local Committee for the Time being having the Management of the Royal Portland Dispensary, to be by them applied, in such Manner as the said local Committee shall think fit and proper, in aid and for the Benefit of such Institution, and the Receipt
25 of the Chairman for the Time being of such Committee shall be a good and sufficient Discharge to the said Commissioners for such Dividends and Income; the Sum of Four thousand Pounds, further Part of such ultimate Residue, shall be forthwith invested by the said Inclosure Commissioners in the Names of the said
30 Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, who shall invest the clear Dividends and Income thereof, from Time to Time as they arise, in the Purchase in their Names of like Annuities, and accumulate the same in the way of Compound Interest until the
35 last Day of July One thousand eight hundred and fifty-two, and that thenceforth the clear Dividends and Income of the accumulated Principal Fund in such Annuities as the same shall arise, and also the whole or such Part of the Principal Fund itself as the said last-mentioned Commissioners shall in their Discretion from Time to Time by
40 Writing under their Hands and Seal award and direct, shall be paid over by the same Commissioners to a Committee to be called "The Portland Ferry Bridge Committee," to consist of the Persons hereinafter mentioned; and the Remainder of such ultimate Residue shall be invested and applied in or towards the providing and Endowment
45 of Schools and School Buildings, and Teachers, in the said Island for the

the Education of the Children of the Inhabitants thereof for the Time being, at such Time or Times, in such Proportions, on such Terms and Conditions, and in such Manner, in all respects, as the Chief Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall by any Writing under 5 his Hand and Seal direct and appoint.

CLAUSE B.
Constitution
of the Bridge
Committee,
and Appli-
cation of
Monies paid
to them.

IV. And be it enacted, That the said Portland Ferry Bridge Committee shall consist of the following Persons; that is to say, the Trustees named and appointed in and by the present or any future Royal Grant of Tonnage Money to or for the Use of the Inhabitants of the 10 said Island for the Time being, the Steward of Her Majesty's Manor of Portland for the Time being, and Five other Persons Inhabitants of the said Island to be from Time to Time chosen and elected in the Manner herein-after mentioned and that such Committee shall from Time to Time pay, apply, and expend all Dividends, Income, and 15 Monies which shall be so paid to them by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as aforesaid (after deducting and retaining all Costs and Expenses), in and for or towards procuring and obtaining the Reduction from Time to Time as far as may be, or the ultimate Extinction if found 20 practicable and thought desirable by the said Committee, of the Tolls payable for passing over the Bridge erected over the River or Water called The Portland Ferry under or by virtue of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for 25 " making and maintaining a Bridge over the River called The Portland " Ferry, in the County of Dorset, with proper Approaches thereto," and thereupon acquiring such Right and Title to and obtaining such Conveyance or Assurance of the said Bridge and the Approaches thereto, and the ancient Ferry over which it passes, and the Messuage 30 or Toll House, Lands, and Hereditaments belonging thereto, and the Benefit and Exercise of the Powers and Provisions of the said Act for making and maintaining the same, upon such Terms and Conditions as shall by the said Committee be made and agreed upon with the Commissioners under the said last-mentioned Act, and according to 35 such Rules and Regulations, and in such Manner in all respects, as the said Committee shall think most for the Relief, Benefit, and Advantage of the Inhabitants at large of the said Island of Portland for the Time being: Provided always, and it is hereby declared, that the Reduction or Extinction of the Tolls charged and chargeable in 40 respect of Foot Passengers passing over the said Bridge shall be the primary Object of the Application of the said Sum of Four thousand Pounds, and the Dividends and Income thereof.

V. And

V. And be it enacted, That the Five Inhabitants of the said Island who are to be Members of the said Committee shall be from Time to Time elected and chosen, and their full Number kept up by new Elections as often as Occasion by Death, Incapacity, or Resignation shall require, by the Majority of the rated Inhabitants of the said Island for the Time being present at a public Meeting to be convened in the said Island by and held before the Steward of the said Manor for the Time being by at least Ten Days previous Notice in Writing under his Hand affixed at the principal outer Doors of the several Churches and licensed Dissenting Chapels in the said Island, and that the Meeting for the Election of such first Five Persons shall be held within Twenty-one Days after the said last Day of July One thousand eight hundred and fifty-two.

CLAUSE C.
Mode of
Election of
the Inhabit-
ants who are
to be Mem-
bers of the
Bridge Com-
mittee.

VI. And be it enacted, That the said Committee shall hold their First Meeting in the said Island on the First Thursday in the Month of September One thousand eight hundred and fifty-two, and by Adjournment once at least in every Six Months thereafter, and shall at such First Meeting, and on the same Day annually afterwards, select One of the Members thereof to act as Chairman and One of them to act as Secretary, and the Secretary shall keep Minutes of all the Proceedings at the Meetings thereof in a Book which shall be furnished for that Purpose, and shall give Notice of all Extraordinary Meetings to each Member of the said Committee by Post at least Three clear Days before the same shall be held, and shall therein express the Object of every such Extraordinary Meeting, at which nothing shall be done or transacted but what shall be so expressed, and any such Extraordinary Meeting may at any Time be convened and held either by a Resolution for that Purpose at a previous adjourned Meeting, or by a Requisition in Writing to the Secretary from any Two Members of the said Committee; and that all Matters which shall be brought before any of the said Meetings shall be decided by the Majority of Votes of the Members attending the same, and at any Meeting whereat the Chairman so elected as aforesaid shall not be present the Members attending the same shall appoint One of their Number to be Chairman thereof, and if upon any Matter there shall be an Equality of Votes the Chairman shall have a second or casting Vote: Provided always, that no Order, Act, Resolution, or Proceeding made or done by the said Committee shall be revoked, altered, or suspended unless at some subsequent Extraordinary Meeting to be called as aforesaid, nor unless there shall be at such subsequent Extraordinary Meeting a greater Number of the Members of the Committee than present at the Meeting when such Order, Act, Resolution, or Proceeding was made, done, or passed; provided further, that no Member of the said Committee or the Secretary thereof shall be entitled to any Payment

CLAUSE D.
Regulating
Proceedings
of Bridge
Committee.

for the Discharge of their Duties as Members of the said Committee without Prejudice to their being reimbursed Money out of Pocket attending to such Duties as aforesaid.

CLAUSE E.
Accounts to
be kept by
Bridge Com-
mittee.

VII. And be it enacted, That the said Committee shall from Time to Time cause to be provided and kept by their Secretary for the 5
Time being One or more Book or Books in which all Monies to be received and paid by virtue of this Act shall from Time to Time be fairly set down and entered, expressing the Time when and the Name of the Person or Persons to or from whom the same were so received or paid, and that every Year at the General Quarter Sessions of the 10
Feast of Saint Michael the Archangel at Dorchester in and for the County of Dorset the said Book or Books shall be produced and shown to the Justices at such Sessions, together with proper Vouchers for any Payments made, which said Justices shall state, settle, and balance the Accounts from the said Books, and finally pass and allow 15
the same: Provided always, that it shall be lawful for any One or more Inhabitants of the said Island to appear before the said Justices to be heard in the Matter of the said Accounts.

CLAUSE F.
Receipts of
Bridge Com-
mittee to be
sufficient
Discharges.

VIII. And be it enacted, That all Receipts in Writing signed at any Meeting of the said Committee by the Chairman and any Two 20
of the Members present thereat, and countersigned by the Secretary, shall be full Discharges for all Monies to be payable to the said Committee under this Act, and that the said Committee shall have and exercise all requisite Powers and Authorities for effecting and carrying out the Objects and Purposes for which the said Sum of Four 25
thousand Pounds and the Accumulation and Increase thereof is and are hereby made applicable, and especially the Power to hold to them and their Successors the said Bridge, Ferry, Messuage and Toll House, Lands and Hereditaments, and Real Estate.

CLAUSE G.
Indemnity
for Commis-
sioners.

IX. And be it enacted, That, notwithstanding anything in the said 30
recited Act and Agreement or Arrangement, or either of them, contained to the contrary, the said Inclosure Commissioners may and they are hereby required to pay and apply so much of the said Sum of Twenty thousand Pounds and the Interest and Dividends and the Accumulations thereof as has not been yet applied under the Pro- 35
visions of the said Act or the said Arrangement or Agreement in the Manner and for the Purposes in this Act directed, and that the said last-mentioned Commissioners or the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any or either of them, shall not be bound to see to the Application or be 40
answerable for the Misapplication or Nonapplication of any Monies to be paid by them under the Directions in this Act contained.

X. And

X. And be it enacted, That every Commissioner, Trustee, or Person acting under this Act shall be charged only for such Monies as he shall actually receive by virtue of this Act, notwithstanding his giving or signing or joining in giving or signing any Receipt for the sake of Conformity or Compliance with this Act, and no One or more of such Commissioners, Trustees, or Persons shall be answerable or accountable for the other or others of them or for any involuntary Losses ; and all such Commissioners, Trustees, or Persons may, out of the Monies which shall come to their Hands by virtue of this Act, retain to and reimburse themselves or himself respectively all Costs and Expenses which he, they, or any of them may pay or be put unto in or about the Discharge of the Duties by this Act reposed on him or them.

CLAUSE H.
Indemnity
to Persons
acting under
this Act.

XI. And be it enacted, That for the Purposes of this Act, and of all Matters and Things hereby authorized to be done under the Authority of this Act by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, they the said Commissioners for the Time being shall be and they are hereby constituted a Corporation by the Name and Style of " The Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings," and by that Name, for the Purposes of this Act, they the said Commissioners shall and may have perpetual Succession, and use a Common Seal to be by them from Time to Time provided and altered as they shall think fit, and shall and may sue and be sued, plead and be impleaded, and take Lands and Hereditaments to them and their Successors for ever for the Purposes of this Act.

CLAUSE I.
For Purposes
of this Act
Commission-
ers of Woods,
&c. to be a
Body Cor-
porate.

XII. And be it enacted, That the Provision contained in the said recited Act relating to Cases where Parties entitled to Rights or Interests in the said Common or Commonable Lands are so entitled for limited Interests only shall be applicable to all Cases under this Act and the said recited Act, Agreement, and Award, or either of them, where the Sum payable in respect of any Estate or Interest shall exceed the Sum of Twenty Pounds, and shall extend to all Cases where any such Sum shall be payable in respect of any Estate, Right, or Interest belonging to Parties under any Disability or Incapacity.

Provision in
recited Act
as to any
Estate or
Interest in
common to
extend to
this Act.

XIII. And be it enacted, That in all Cases where the Sum payable by virtue of this Act, or the said recited Act, Agreement, and Award, or either of them, in respect of any Estate, Right, or Interest, shall not exceed Twenty Pounds, and the Person entitled to such Estate, Right, or Interest shall be under any Disability or Incapacity, such Sum shall and may be paid to the Guardian, Committee, or Husband of such Person ; and where any such Person shall have a limited

As to Sums
payable in
respect of
Lands not
exceeding
20*l*.

limited Interest only in such Estate, Right, or Interest the whole of such Sum shall and may nevertheless be paid to the Person having such limited Interest, to his or her Guardian, Committee, or Husband, as the Case may be.

Public Act. XIV. And be it enacted, That this Act shall be a Public Act, and 5 shall be judicially taken notice of as such.

Portland Harbour and Breakwater.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend an Act passed in the Tenth Year of Her present Majesty's Reign, for empowering the Commissioners of Her Majesty's Woods to purchase Land for a Harbour of Refuge and Breakwater in the Isle of Portland; and to make further Provisions for the Division and Application of the Purchase Money.

(Prepared and brought in by
Lord Seymour and Mr. Baileys.)

Ordered, by The House of Commons, to be Printed,
30 July 1850.

640.

Under 2 oz.

Process and Practice (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Process for Commencement of Personal Actions shall be according to Form in Schedule, and be called Writ of Summons ; Sect. 1.

Residence and Description of Parties to be mentioned in Writ. Writ may be served anywhere, and remain in force Four Months ; 2.

No Writ of Summons to be invalid on account of verbal or technical Error ; 3.

Recital of 7 G. 4. c. 36. and 1 Vict. c. 43. All Writs of Summons shall be served by Officers appointed for Service of Civil Bill Processes ; 4.

Fee to Officer on Service ; 5.

Lists of Process Servers to be entered in Writ Office ; 6.

Writs may be transmitted to Process Servers by Post ; 7.

Books, &c. to be kept by serving Officers, who shall be amenable to the Superior Courts ; 8.

Superior Courts may dismiss serving Officers for Misconduct ; 9.

Act not to affect 3 & 4 Vict. c. 105. ; 10.

Mode of Appearance ; 11.

Days for appearing to run in Vacation as well as in Term ; 12.

In default of Appearance, on personal Service being proved, Plaintiff may enter common Appearance ; 13.

Mode of Service in Cases against Corporations, &c. ; 14.

Courts may direct Substitution of Service ; 15.

Writs of every Description may be tested and returnable in Vacation as well as in Term ; 16.

And Writs of Execution may be directed to Sheriff of any County without regard to Venue in Pleadings ; 17.

Rules shall issue and run in Vacation as well as in Term Time ; 18.

Holidays ; 19.

Courts may hold Sittings in Vacation ; 20.

Such Sitting to be holden by Order published with Week's Notice ; 21.

Judgments and Orders to have same Effect as if made in Term ; 22.

Judges to establish Uniformity of Practice by a General Order.

Code to be agreed upon by Judges, and be the uniform Practice.

Proviso for Alteration or Amendment of Code ; 23.

Every Judge of either Court may try Issues and make Orders in Chamber in Business depending in any of the Courts ; 24.

Consolidated Court of Nisi Prius established, and to sit continuously ; 25, 26.

Officers of such Court ; 27.

Appeals from Civil Bill Decrees to be heard by Consolidated Nisi Prius Court ; 28.

Unequal Distribution of Business to be remedied. Writ and Appearance Offices to be consolidated ; 29.

Chief Justices to select Clerk of Writs and Assistants from amongst those now similarly employed ; such Clerk of Writs and Assistants to have same Powers, &c. as under 7 & 8 Vict. c. 107. ; 30.

Clerk of the Writs not required to file Affidavits, or receive and file returned Writs ; 31.

Officers now in Writ Offices not included in consolidated Office shall cease to be such Officers, and shall be entitled to Compensation ; 32.

Writs for Commencement of Actions to be issued in rotation for the several Courts ; 33.

One Common Seal to be used for the Three Courts ; 34.

All Pleadings, &c. to be of uniform Shape and Dimensions. Judges to fix the Shape and Dimensions of Pleadings, &c. ; 35.

Officers to file Pleadings, &c. after the Manner of Books. When Judgment to be made up Attorney to deliver to Officer a Summary of Pleadings ; and Officer to put Pleadings together on Judgment File as the permanent Record ; 36.

It shall not be necessary to transcribe the whole Pleadings on the Judgment Roll, or to insert Continuances, &c., but only a Summary or Recital, &c. No Judgment to be disturbed on the Ground of Error on account of Omissions hereby authorized. Proviso for Cases of Writs of Error, &c. ; 37.

On filing Pleading, Affidavit, &c., Copy must be delivered with the Notice, and, except in certain Cases, attested Copy shall not be necessary ; 38.

Commissioners for taking Affidavits in one Court shall be Commissioners for all the Courts ; and hereafter shall be appointed by Court of Chancery ; 39, 40.

Commencement of Act ; 41.

Schedule to be Part of Act ; 42.

Act may be amended, &c. ; 43.

SCHEDULE.

7 February 1850. 13 VICT.



(Ireland.)

A

B I L L

FOR

The Regulation of Process and Practice in the Superior Courts of Common Law in Ireland.

[Note. — The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS the Process now in use for the Commencement of Personal Actions in Her Majesty's Superior Courts of Common Law in Ireland is, by reason of its Variety, Multiplicity, and Fiction, inconvenient and objectionable, and it is expedient for the better Administration of Justice to establish Uniformity of Process and Practice in the said Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Process for Commencement of all such Actions, whether the Action be brought by or against any Person entitled to the Privilege of Peerage or of Parliament, or of the Court wherein such Action shall be brought, or of any other Court, as Attorney thereof, or otherwise, or to any other Privilege, or by or against any Corporation or incorporated Body or Company, or by or against any other Person or Persons, shall be according to the Form contained in the Schedule to this Act annexed marked No. 1., and which shall be called a Writ of Summons, and shall bear Date of the Day on which it shall be issued, and be tested by the Common Seal of the said Superior Courts, to be provided as

23. A herein-

Preamble.

Process for Commencement of Personal Actions shall be according to Form in Schedule, and be called Writ of Summons.

herein-after mentioned, and to be thereunto set by the Clerk of the Writs and Appearances, who shall not be required to sign such Writ, but shall enter the Particulars thereof in the Book to be kept for that Purpose, at the Time of sealing thereof.

Residence
and Descrip-
tion of Par-
ties to be
mentioned in
Writ.

Writ may be
served any-
where,
and remain
in force Four
Months.

No Writ of
Summons to
be invalid on
account of
verbal or
technical
Error.

Recital of
7 G. 4. c. 36.
and 1 Vict.
c. 43.

II. And be it enacted, That in every such Writ and Copy thereof 5
the Place of Residence of the Party Plaintiff and the Place of Resi-
dence or supposed Residence of the Party Defendant, and the usual
Designation or Description of such Parties respectively, or such
Designation or Description as the Plaintiff or his Attorney may be
able to give, shall be mentioned; and every such Writ may be served 10
personally in any Place, within the Jurisdiction of the Court, in which
the Defendant or Defendants may be found, and the Person serving
the same shall and is hereby required to endorse on the Writ the
Place and the Day of the Month and Year of the Service thereof;
and every such Writ shall remain in force for Four Calendar Months 15
from the Day of the Date thereof, including the Day of such Date,
and no longer.

III. And be it enacted, That no Writ of Summons issued under
the Authority of this Act shall be treated or considered invalid on
account of any verbal or technical Error in the same; and it shall be 20
lawful for the said Superior Courts of Law respectively, or any Judge
or Baron thereof, to decide and determine what is a verbal or technical
Error or Mistake in any such Writ; but all Errors or Mistakes which
have not a manifest Tendency to mislead the opposite Party shall in
all Cases be deemed merely verbal or technical. 25

IV. And whereas, under and by virtue of an Act passed in the
Seventh Year of the Reign of His Majesty King George the
Fourth, intituled "An Act to regulate the Service of the Process
" of the several Courts for the Recovery of Small Debts by Civil
" Bill in Ireland," and under and by virtue of an Act passed in the 30
First Year of the Reign of Her present Majesty, intituled "An Act
" to amend the Laws for the Recovery of Small Debts by Civil Bill
" in Ireland," certain Persons, being Householders residing in the
principal Market Towns within the several Counties in Ireland, have
been appointed and are now acting as Officers for the Service of Civil 35
Bill Processes in the said Counties or in certain Divisions thereof, and
are paid by fixed Salary and by Fees, as in the said Acts directed;
and it would tend to the Prevention of Fraud, Corruption, and
Perjury, and to the better Administration of Justice, if the Service of
the Writs for the Commencement of Personal Actions in the Superior 40
Courts of Common Law in Ireland were intrusted to the Officers so
appointed and acting for the Service of Civil Bills as aforesaid:
Be it therefore enacted, That from and after the passing of this
Act

Act the Persons so appointed and acting, or hereafter to be appointed and acting, as aforesaid as Officers for the Service of Civil Bill Processes as aforesaid shall be also the Officers for the Service of all Writs for the Commencement of Personal Actions in the said Superior Courts of Common Law within the Counties or Ridings, or within the Divisions of Counties or Ridings, in which the said Officers respectively shall be qualified to act for the Service of Civil Bill Processes, or anywhere within Two Miles beyond the Limits of such District or Division, and it shall be lawful for every such Officer, and he and they is and are hereby authorized and required, on Receipt thereof, forthwith to serve such Writs accordingly within such County or Division thereof, or within such Distance therefrom, as aforesaid; and from and after the passing of this Act it shall not be lawful, except in any Case or Cases wherein either of the said Superior Courts, or any Judge or Baron, acting as herein-after provided, shall otherwise specially order and direct, for any Person whomsoever, other than One of such Officers so appointed and authorized under the said recited Acts as aforesaid, to serve any such Writ; and that, except as aforesaid, any Service or pretended Service of any such Writ by any Person not appointed and authorized as aforesaid shall be wholly null and void to all Intents and Purposes whatsoever, any Law, Usage, or Custom to the contrary notwithstanding.

All Writs of Summons shall be served by Officers appointed for Service of Civil Bill Processes.

V. And be it enacted, That it shall be lawful for any such Officer, in addition to the Salary and Fees payable to him under the said recited Acts, to receive a Fee of *Five* Shillings for each and every Service of any Writ which he shall be required to serve under the Authority of this Act, such Fee to be paid on the Delivery to the Attorney or Party concerned of the Affidavit of the Service of such Writ.

Fee to Officer on Service.

VI. And be it enacted, That immediately after the passing of this Act every Assistant Barrister, Recorder, or Chairman appointed under any Act or Acts for the Recovery of Debts by Civil Bill in Ireland shall cause to be prepared and transmitted to the Clerk of the Writs of the Superior Courts of Common Law at Dublin a List of all Persons, duly qualified, acting as Process Servers within the Jurisdiction of such Assistant Barrister, Recorder, or Chairman, setting forth the Name and Residence of each of such Process Servers, the nearest Post Town to such Residence, and the County or Riding or Division of County or Riding within which such Process Server shall act; and any Changes in such List which Circumstances may require shall in like Manner be notified from Time to Time; and upon Receipt of such Lists or Amendments thereof the said Clerk of the

Lists of Process Servers to be entered in Writ Office.

Writs shall cause the same to be entered fully in a Book to be kept for that Purpose, alphabetically according to the Names of the Districts for which such Persons are qualified to act, and under distinct Heads for the several Counties and Ridings and Divisions of Counties or Ridings, which Book shall be open for the Purpose of public Reference in the Office of the said Clerk of the Writs during all Office Hours.

Writs may
be transmit-
ted to Process
Servers by
Post.

VII. And be it enacted, That Transmission through Her Majesty's Post Office in a duly registered Letter shall be deemed a good Delivery of any Writ of Summons to any such Process Server: and every such Process Server is hereby required forthwith to proceed to the Service of every such Writ so transmitted to him upon Receipt thereof, as if the same had been delivered to him directly by the Party or Attorney concerned; and upon Service thereof, or Failure to effect Service thereof, to report the Circumstance by Letter through the Post Office to the Person by whom such Writ shall have been transmitted to him; and upon Payment of his proper Fees to return the original Writ, together with the necessary Affidavit, either through the Post Office as aforesaid, or in such Manner as the Party who shall have transmitted the same to him shall direct.

20

Books to be
kept by serving
Officers;

VIII. And be it enacted, That a Book or Books shall be kept by every such Officer in which shall be entered in proper Form the Names and Descriptions of the Parties Plaintiff and Defendant in any such Writ delivered to him for Service, the Day on which such Writ shall be received to be served, the Day on which such Writ shall be served, and the Place where; and in case of such Writ not being duly served, then the Cause of such Service not having taken place shall be stated; and each and every such Officer shall produce such Book, whenever thereto required by the said Superior Courts of Common Law, or either of them, or any Judge of either of them, and in all Matters shall be deemed to be the Officer of and be amenable to the said Superior Courts respectively touching his Conduct in respect of any Writ or Writs delivered to him for Service.

who shall be
amenable to
the Superior
Courts.

Superior
Courts may
dismiss serving
Officer
for Misconduct.

IX. And be it enacted, That if either of the said Superior Courts of Common Law shall at any Time, upon due Inquiry, ascertain that any Officer intrusted with the Service of any Writ of Summons issuing out of such Court has been guilty of Misconduct or wilful Neglect of Duty in respect thereof, it shall be lawful for the said Court to dismiss such Officer from his Office or Employment, as well under the Court of any Assistant Barrister, Recorder, or Chairman, as under the said Superior Courts of Law, and any Person so dismissed

40

missed shall be incapable of being again appointed as Officer for the Service of Process in any County or District whatsoever.

X. Provided always, and be it enacted, That nothing in this Act shall interfere with or affect any of the Provisions of an Act of the 5 Fourth Year of Her Majesty, intituled "An Act for abolishing
" Arrest on Mesne Process in Civil Actions, except in certain Cases,
" for extending the Remedies of Creditors against the Property of
" Debtors, and for the further Amendment of the Law and the better
" Administration of Justice, in Ireland."

Act not to
affect
3 & 4 Vict.
c. 105.

10 XI. And be it enacted, That the Mode of Appearance to every such Writ or under the Authority of this Act shall be by delivering to the proper Officer, at the Writ and Appearance Office herein-after mentioned at the Four Courts in Dublin, a Requisition or Docket according to the Form in the said Schedule marked No. 2., such
15 Requisition or Docket to be dated on the Day of the Delivery thereof, and to be entered by the Officer in the Appearance Book, and filed and kept by him.

Mode of
Appearance.

XII. And be it enacted, That the Days for appearing to all such Writs of Summons shall run in all Cases as well in Vacation as in
20 Term Time; and if the last of the Eight Days after the Service of any such Writ of Summons, inclusive of the Day of Service, shall in any Case happen to fall on any of the Days hereby appointed to be observed and kept as Holidays, in such Case the following Day, or, when there shall be consecutive Holidays, the Day following the last
25 of such Holidays, shall be considered as the last of such Eight Days; and if any such Writ shall be served on any Day between the First Day of August and the Twentieth Day of October in any Year, an Appearance may be entered by the Defendant, or by the Plaintiff for the Defendant, in the usual Way, but no Declaration or Pleading
30 after Declaration shall be filed or Rule entered thereon between the said First Day of August and Twentieth Day of October.

Days for ap-
pearing to
run in Vac-
ation as well
as in Term.

Provision as
to Holidays.

XIII. And be it enacted, That if any Defendant in any such Writ, being personally served therewith, shall not appear in due Time after Service thereof according to the Exigency thereof, in such
35 Case it shall and may be lawful for the Plaintiff or Plaintiffs, upon Affidavit being duly made before the proper Officer, and filed in the Writ and Appearance Office, of the personal Service of such Writ at the Place and on the Day endorsed thereon, to enter an Appearance for such Defendant within such Time as may
40 be directed and limited by any General Order of the Judges to be

In default of
Appearance,
on personal
Service
being proved,
Plaintiff may
enter com-
mon Appear-
ance.

23.

B

made

responsible Officer thereof; and every such Writ issued against any other incorporated Body having a known and responsible Officer or Agent may be served personally on such Officer or Agent; and if any such Defendants shall not appear according to the Exigency of such Writ in due Time after such Service thereof as herein 5 authorized, in such Case, upon Affidavit, made as herein-before provided, of such personal Service of such Writ, and of the Publication of the Notice herein-after provided, it shall and may be lawful for the Plaintiff to enter an Appearance for such Defendants, and to proceed thereon as if such Defendants had entered their 10 Appearance, any Law or Usage to the contrary notwithstanding: Provided always, that in all such Cases a sufficient Notice of the issuing of the Writ shall be given in the Dublin Gazette, and in One of the local Newspapers of the County, City, or District in which the Defendant or Defendants, or the Officer or Agent to be served, shall 15 reside; the Days for Appearance to run in such Cases from the Day of the Publication of such Notice in Gazette or Newspaper, whichever shall be the latest.

Courts may
direct Sub-
stitution of
Service.

IX. And be it enacted, That in case it shall be made appear by Affidavit to the Satisfaction of the Court in which the Appearance 20 to the Process should be made, or in Vacation of any Judge of either of the said Courts, that any Defendant has not been personally served with any Writ of Summons, and has not according to the Exigency thereof appeared to the Action, and that due and proper Means were used to serve such Writ, or that such Defendant 25 resides out of the Jurisdiction of the Court and can be properly served through any Agent or Representative or any Manager of the Real or Personal Estate of such Defendant within such Jurisdiction, or has removed to avoid Service, or on any other good and sufficient Grounds, it shall be lawful for such Court or Judge to authorize 30 such Substitution of Service through the Post Office, or in such Manner, and with such Extension of Time for Service and Appearance, as to them or him shall seem fit; and upon due Proof of such substituted Service by Affidavit it shall and may be lawful for the Plaintiff, in default of Appearance by such Defendant, in due Time, 35 to enter an Appearance for such Defendant, and to proceed thereon as if such Defendant had entered his, her, or their Appearance, any Usage or Law to the contrary notwithstanding.

CLAUSE A.
This Act
shall extend
to Actions of
Replevin and
Ejectment.

X. And be it enacted, That from and after the First Day of January One thousand eight hundred and fifty-one this Act shall extend to 40 and include all Actions of Replevin and Ejectment in the Superior Courts of Common Law, and that the Commencement of all such Actions shall be by such Writ of Summons as herein-before set forth,
and

and that all the Powers, Provisions, Regulations, and Directions herein contained with reference to Service, Substitution of Service, the Mode of Appearance, and Means of compelling Appearance, shall be and be deemed and construed as applicable to such Actions of Replevin and Ejectment, any Law or Usage to the contrary notwithstanding, subject however to the further Provisions herein-after contained.

XI. And be it enacted, That from and after the said First Day of January One thousand eight hundred and fifty-one, where any Party whose Goods or Chattels have been distrained shall dispute the Validity of such Distress, and shall be desirous of proceeding by Replevin in any of the said Superior Courts, such Party shall commence any Action for the Recovery of the Goods or Chattels so distrained by a Writ of Summons, such as herein-before provided, which Writ of Summons shall, in addition to any Particulars herein-before required, state the Particulars of the Property distrained, and the Place where such Distress shall have been made, and which Writ shall and may be served by delivering a Copy or Copies thereof to the Defendant or Defendants, or to any Agent or other Person acting for him or them in making such Distress, or in keeping the Goods and Chattels so distrained; and the said Superior Courts of Common Law, and each of them, are and is hereby authorized and empowered and declared to have Authority, Power, and competent Jurisdiction to entertain and determine such Suits.

CLAUSE B.
Action of Replevin to be commenced by Writ of Summons.

Particulars to be stated in Writ.

Service of Writ.

XII. And be it enacted, That when any such Action shall have been so commenced, it shall be lawful for the Plaintiff therein to sue out of the Court in which such Action shall be instituted a Writ, to be called a Writ of Replevin, directed to the Sheriff of the County in which such Goods and Chattels shall be under Distress, requiring him to replevy the said Goods and Chattels; and the said Superior Courts of Common Law, and each of them, are and is hereby authorized to issue such Writ of Replevin, which shall be in such Form as the Judges shall order and direct, by a General Order to be made as herein-after required for the Regulation of the Practice of the said Courts, and shall be instead of and have the same Force and Effect as any Writs for such Purpose heretofore in use; and the said Sheriff shall, and he is hereby required, upon good Security (by the Bond of the Plaintiff and Two responsible Persons as Sureties conditioned as usual in such Cases) being given to him in double the Amount of the Value of the Property distrained, to execute such Writ, and to return the said Writ, with a correct and proper Statement endorsed thereon of the Manner in which the same shall have been executed, or the Cause why the same has not been executed, to the Court out

CLAUSE C.
Plaintiff in such Action may sue out of the same Court a Writ of Replevin.

Form of Writ to be settled by Judges.

Sheriff, upon Security being given, to execute and return Writ within Eight Days.

Value of
Property to
be ascer-
tained as
heretofore ;
and Bail
Bond to be
assignable.

of which the same shall have issued, within Eight Days, exclusive of any Days hereby appointed to be observed and kept as Holidays, next after such Writ shall have been delivered to him : Provided always, that the Value of the Property so distrained shall be ascertained by the said Sheriff in like Manner as the Value of Goods distrained is now ascertained by Law by the Sheriff in taking Security in Replevins ; and that the said Bonds shall be assignable by the Sheriff under like Circumstances and in like Manner, and shall be available to the Assignee thereof, as by Law now authorized and directed with reference to Bail Bonds in Replevin, subject however to such Regu- 10
lations as the Judges shall as aforesaid order and direct.

CLAUSE D.
Provision for
Removal of
Replevin
Suits from
Inferior to
Superior
Courts.

XIII. And be it enacted, That where Proceedings in Replevin shall have been instituted in any Court of inferior Jurisdiction, it shall be lawful for either Party to remove the same into one of the said Superior Courts of Common Law as heretofore : Provided always, 15
that the Writs for the Removal of any such Proceedings shall issue out of the Consolidated Writ Office of the said Superior Courts of Common Law instead of the Writ Office of the Court of Chancery ; and the said Superior Courts of Common Law and each of them are and is hereby authorized and empowered and 20
declared to have Authority, Power, and competent Jurisdiction to issue Writs for such Purpose, and to entertain and determine the Suits so removed, and to enforce Obedience to all Writs by this Act authorized, as fully as in the Case of any other Writs now issued by the said Courts. 25

CLAUSE E.
Writs to be
in such Form
as Judges
shall direct.

XIV. And be it enacted, That the Writs for such Removal of Proceedings in Replevin shall be according to such Form as the Judges of the said Superior Courts of Common Law shall, by any General Order to be made as herein-after provided, direct, and shall be instead of and have the same Force and Effect as any Writs for 30
such Purpose heretofore in use, and from and after the Consolidation of Writ Offices herein-after provided shall, by the Clerk of the Writs, at the Time of sealing thereof, be assigned, entered, and issued in Rotation for the said Courts, that is to say, the First for the Queen's Bench, the Second for the Common Pleas, and the Third for the 35
Exchequer, and so on in continuous Rotation for the several courts, so as to produce and keep up an equal Distribution of such Writs ; and all subsequent Proceedings in any Suit so removed shall be had and taken in the Court to which the said Writ shall be in the Course of Rotation allotted, and shall be the Business of the said Court and 40
the Offices thereof.

XV. And

XV. And be it enacted, That from and after the First Day of January One thousand eight hundred and fifty-one, where any Party shall claim Possession of any Lands, Tenements, or Hereditaments, and shall be desirous of proceeding by Ejectment for the Recovery of the same in any of the said Superior Courts, such Party shall commence any Action for such Purpose by a Writ of Summons, such as herein-before provided, which Writ of Summons shall, in addition to any Particulars herein-before required, contain the Description of the Property sought to be recovered, and the County, Barony, or Parish in which the same is situated, and which Writ shall and may be served in like Manner and upon such Persons as now required for the Service of Ejectments, or as the Judges shall by any General Order made as aforesaid direct.

CLAUSE F.
Action of
Ejectment
shall be com-
menced by
Writ of Sum-
mons.

Particulars
to be stated
in Writ.

Service of
Writ.

XVI. And be it enacted, That after Appearance in any Action of Replevin and Ejectment the Proceedings shall be, as nearly as may be, the same as in any personal Action; and the Judges are hereby empowered and required, by any General Order to be made as herein provided, to order and direct what shall be the Form and Substance of any Declaration in Ejectment, and to dispense with and discontinue the Use of the Declaration now used in such Actions, and, if they shall consider it proper, to dispense with and discontinue the Use of feigned Names and other Fictions in the Declaration, and to make such other Regulations with respect to Proceedings in Ejectment and Judgment thereon and the Costs thereof, as to them shall seem meet; and any General Order so made shall have the Force and Effect of Law, any Law or Usage to the contrary in anywise notwithstanding.

CLAUSE H.
Proceedings
after Appear-
ance in Re-
plevin and
Ejectment.

Judges to
make Regu-
lations as to
Declarations
and Proceed-
ings in Eject-
ment.

XVII. And be it enacted, That every Writ of any Description whatsoever to be hereafter issued out of the said Superior Courts of Common Law shall or may be issued and tested or made returnable on any Day, not being one of the Days hereby appointed as Holidays, whether such Day shall be in Term Time or Vacation; and every such Writ so issued, tested, or returnable shall be of the like Validity, Force, and Effect as if the Day of the issuing, testing, or Return of such Writ were actually a Day in Term, any Law or Usage to the contrary notwithstanding: Provided always, that nothing herein contained shall apply or be construed to alter or affect the Process and Practice of the Revenue Side of the Court of Exchequer.

Writs of
every De-
scription may
be tested and
returnable in
Vacation as
well as in
Term;

XVIII. And whereas, according to the present Practice in the said Courts, all Writs of Execution must in the first instance be directed to the Sheriff of the County or County of the City laid or mentioned in the Venue in the Pleadings, and no such Writ of Execution can issue to any other County until a Return shall have been had on

and Writs of
Execution
may be di-
rected to
Sheriff of
any County
without re-
gard to
such

Defendant who shall have appeared in any such Action, in pleading to such Declaration, to take Defence for all the Lands and Premises in such Declaration mentioned, or any Part thereof, which Defence shall have the same Effect as Defences in Ejectment now have according to the present Practice of the Courts, subject to such Regulations as the Judges, by any General Order made as herein-after provided, shall direct.

Writs of every Description may be tested and returnable in Vacation as well as in Term;

XVIII. And be it enacted, That every Writ of any Description whatsoever to be hereafter issued out of the said Superior Courts of Common Law shall or may be issued and tested or made returnable 10 on any Day, not being one of the Days hereby appointed as Holidays, whether such Day shall be in Term Time or Vacation; and every such Writ so issued, tested, or returnable shall be of the like Validity, Force, and Effect as if the Day of the issuing, testing, or Return of such Writ were actually a Day in Term, any Law or Usage 15 to the contrary notwithstanding: Provided always, that nothing herein contained shall apply or be construed to alter or affect the Process and Practice of the Revenue Side of the Court of Exchequer.

and Writs of Execution may be directed to Sheriff of any County without regard to Venue in Pleadings.

XIX. And whereas, according to the present Practice in the said Courts, Writs of Execution must in certain Cases in the first instance 20 be directed to the Sheriff of the County or County of the City laid or mentioned in the Venue in the Pleadings, and no such Writ of Execution can issue to any other County until a Return shall have been had on such first Writ, and such Practice retards the due Administration of Justice: Be it therefore enacted, That from and after the passing 25 of this Act any Writ of Execution, except a Writ of Habere facias possessionem or other Writ of Possession, in any of the said Courts, may issue and be directed in the first instance to the Sheriff of any County or County of City or other Shrievalty, as the Parties suing out the same may think fit, without regard to the Venue in the 30 Pleadings laid or mentioned, and without any Recital of a previous Writ, any Law or Usage to the contrary notwithstanding.

Rules shall issue and run in Vacation as well as in Term Time.

XX. And be it enacted, That every Rule or Order, other than Rule on Postea, in or of the said Superior Courts of Common Law or either of them, which according to any present Practice or Usage 35 of the said Courts can or ought only to be made, entered, or issued in Term Time or as in Term Time, or as or on any or some particular Day in Term Time, shall and may be made, entered, or issued on or as of any Day, except the Days hereby appointed to be observed and kept as Holidays, whether such Day shall be in Term 40 Time or Vacation; and the Days limited for Compliance with such Rules or Orders shall, with the Exception of the Days hereby appointed

pointed to be observed and kept as Holidays, and of the Days between the First Day of August and Twentieth Day of October, run in Vacation as well as in Term Time; and all such Rules and Orders shall be of the like Validity, Force, and Effect, and all subsequent Proceedings may be had thereon, as if the Days of making, issuing, and running thereof were actually Days in Term.

XXI. And be it enacted, That the following, and none other, Holidays shall be observed and kept as Holidays in the Offices of the said Courts, and in the Office of Registrar of Judgments; that is to say, Sunday, Christmas Day, and the Three Days following that Day, Good Friday, Easter Eve, Monday and Tuesday in Easter Week, Whit Monday and Whit Tuesday, any Day appointed for a Public Fast or Thanksgiving, and, when they do not occur in Term Time, the Day appointed to be kept as the Birthday and the Day of the Accession of Her Majesty the Queen and Her Successors; and the Days between Thursday next before and Wednesday next after Easter shall not be reckoned or included in any Rules or Notices or other Proceedings, except Notices of Trial and Notices of Inquiry in any of the said Courts.

XXII. And be it enacted, That from and after the passing of this Act it shall be lawful for the said Courts, at their Discretion, to hold Sittings in Banco in Time of Vacation for the Purpose of disposing of Business therein pending and undecided in such Courts respectively; and that such Sittings in Vacation may be holden by virtue of a Rule or Order of the said Courts respectively to be made in or out of Term, whereof a Week's Notice (in such Form as the said Courts respectively shall direct) shall be published in the Dublin Gazette, and affixed in some conspicuous Place at the Entrance of such Court respectively making such Order; and that all Judgments to be pronounced at such Sittings in Banco, and all Rules and Orders in respect thereof to be made by virtue of this Act, shall have the same Effect to all Intents and Purposes as if they had been pronounced or made in Term Time.

XXIII. And be it enacted, That it shall and may be lawful for the said Judges and they are hereby required to cause a Revision to be made and continued from Term to Term of the Practice and Pleading of the said Courts, and on or before the First Day of January next following the passing of this Act to make such General Orders as to them shall seem fit, so that thenceforth there shall be Uniformity of Practice and Pleading in the said Courts and the Offices thereof; and any Code of Practice and Pleading consistent with the Provisions of this Act which shall be

Courts may hold Sittings in Vacation.

Such Sitting to be holden by Order published with Week's Notice.

Judgments and Orders to have same Effect as if made in Term.

Judges to establish Uniformity of Practice by a General Order.

Code to be agreed upon by Judges,

and be the
uniform
Practice.

Proviso for
Alteration or
Amendment
of Code.

agreed upon and adopted by the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, and notified by General Order under their Hands, shall thenceforth be the uniform Practice and Pleading to be observed in each of the said Courts and the Offices thereof, any Law or Usage to the contrary notwithstanding: Provided always, that it shall be lawful for the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, from Time to Time and at all Times in like Manner to vary, alter, and amend the said Code of Practice and Pleading as to them shall seem fit.

10

Every Judge
of either
Court may
try Issues
and make
Orders in
Chamber in
Business de-
pending in
any of the
Courts.

XXIV. And be it enacted, That every Judge of the said Courts, to whatever Court he may belong, shall have full Power and competent Jurisdiction and shall be and he is hereby authorized to sit in Dublin, as well in Term as in Vacation, for the Trial of Issues in Fact arising in any of the said Courts, and to transact in Chamber or elsewhere such Business depending in any of the said Courts as relates to Matters over which the said Courts have a common Jurisdiction, and as may, according to the Course and Practice of the Courts, be transacted by a single Judge.

Consolidated
Court of
Nisi Prius
for the Trial
of Issues
arising in
any Superior
Courts.

XXV. And be it enacted, That from and after the First Day of Michaelmas Term next after the passing of this Act the Nisi Prius Courts of the said Superior Courts of Common Law sitting at Dublin shall be consolidated, and that thenceforth there shall be but One Common Court of Nisi Prius for the Trial at Dublin of Issues in Fact arising in either or any of the Courts, except as herein-after provided, and for the Hearing of Appeals from inferior Jurisdictions; which Court of Nisi Prius shall consist of One Judge or Baron of either of the said Superior Courts, to be chosen for that Purpose by the said Judges and Barons according to such Arrangement as they shall think proper, and in such Order of Rotation that each Court shall, by One of its Judges or Barons, take the Duty in turn by Terms.

Such Court
to sit con-
tinuously.

XXVI. And be it enacted, That such consolidated Nisi Prius Court shall sit continuously or by Adjournment, as Occasion may require, from the Second Day of each Term until the Expiration of the Time now limited by Law for the Sittings at Nisi Prius after each Term, and that Notice of Trial may be served for any Day within the said Period, subject however to such Regulation as the Judges may by any General Order make in that Behalf: Provided always, that nothing herein contained shall be construed to interfere with the Duty of the Chief Judge of each Court as now discharged of sitting after Term for the Trial of Issues at Nisi Prius, but that it shall be lawful for

for each of the said Chief Judges, notwithstanding the Sittings at Nisi Prius herein provided, to sit after Term as heretofore for the Trial of any Issues at Nisi Prius arising in his Court, which the Court shall by its Order direct to be entered for such after Sittings.

- 5 XXVII. And be it enacted, That the Duty of attending such consolidated Nisi Prius Court as Clerk of Nisi Prius shall be discharged by the Town Registrar of the Chief Justice or Chief Baron of the Court to which the Judge sitting at Nisi Prius shall belong; and if it shall happen that such Sitting at Nisi Prius shall
 10 not have terminated at any Time when the Chief Justice or Chief Baron shall require the Attendance of his said Registrar for the Purpose of such Nisi Prius Sittings in his own Court as aforesaid, then and in such Case it shall be lawful for the said Nisi Prius Judge to require the Attendance of any of the Assistants or
 15 Clerks belonging to his Court who can at such Time be spared from his Office Duties, to act as his temporary Clerk of Nisi Prius; and the Lords Chief Justices and Chief Baron, or any Two of them, shall appoint a fit and proper Person to act as Crier of the said Nisi Prius Court, who shall be paid such Salary as the Commissioners
 20 of Her Majesty's Treasury shall direct, the same to be charged and included in the Quarterly Accounts of Incidental Expenses of the said Courts respectively, in like Manner and Proportions as the Salary of the Court Keeper of the Nisi Prius Court, and other incidental Expenses common to the Three Courts, are now charged;
 25 and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend or who ought to attend at or for the Trial of any Cause before the said Chief Justice or Chief Baron shall give their Attendance at or for the Trial thereof before such other Judge as shall be sitting for the Trial thereof by virtue of
 30 this Act: Provided always, that all Causes intended to be tried at any Sittings at Nisi Prius at Dublin shall be entered for Trial with the Registrar of the Chief Justice or Chief Baron of that Court in which the Cause shall be at issue, and all other Process and Proceedings for or relating to the Trials thereof shall be made and issued as
 35 heretofore, but nevertheless the Trial of every Cause which shall be tried by virtue of this Act shall be entered and made of Record as having been had and made before the Judge before whom such Cause shall happen to have been actually tried.

Officers of consolidated Nisi Prius Court.

- XXVIII. And whereas by certain Acts of Parliament now in force
 40 in Ireland Provision is made for enabling any Person who may think himself aggrieved by a Decree or Dismiss of the Recorder of Dublin upon any Civil Bill, or by a Decree, Dismiss, or Order of the Chairman of the County of Dublin, or by the Decree of any Seneschal or
 229. Steward

Appeals from Civil Bill Decrees to be heard by consolidated Nisi Prius Court.

Steward of any Manor Court within the County of Dublin, to appeal from such Decree to the Chief Justice of Her Majesty's Court of Queen's Bench or Common Pleas, or to the Chief Baron of Her Majesty's Court of Exchequer in Ireland, or other Justice of Nisi Prius, at their respective Sittings at Nisi Prius for the City of Dublin: 5
 Be it enacted, That from and after the Commencement of this Act all such Appeals shall be made to the said consolidated Nisi Prius Court herein-before constituted and authorized at the Sittings thereof which shall commence or be in progress next after the Expiration of Fourteen Days from the Day of making such Decree, Dismiss, or 10
 Order, and shall be received and determined by the said Court at any Time or Times of its Sittings which shall be appointed by the Judge of the said Court for that Purpose.

Unequal
 Distribution
 of Business
 to be re-
 medied.

Writ and
 Appearance
 and Seal
 Offices to be
 consolidated.

XXIX. And whereas much public Inconvenience arises from the unequal Distribution of Business amongst the said Superior Courts of 15
 Common Law, whereby one Court is often insufficiently employed while the others are unduly pressed, to the great Delay and Injury of Suitors and Detriment of Justice, and it is expedient to adopt Means to equalize the Business of the said Courts, so far as the same can be effected: Be it therefore enacted, That from and after the 20
 Commencement of this Act the several Writ and Appearance and Seal Offices of the Superior Courts of Queen's Bench, Common Pleas, and Pleas Exchequer in Ireland shall be consolidated, and there shall be for the said Three Courts but One Common Writ and Appearance and Seal Office for the Entry, Issue, and Sealing of 25
 Writs for all and each of the said Courts, and for the Transaction of such other Business as is now transacted at the Writ and Appearance and Seal Offices of such respective Courts, and which Office, and the Officers, Assistants, and Clerks therein, shall be deemed equally the Office, and Officers, Assistants, and Clerks, of each of 30
 the said Courts, as well for and in respect of any Business or Proceedings which may have been commenced before and be in progress at the Time of the Commencement of this Act or of any Part thereof as for and in respect of any Business or Proceedings which may be commenced thereafter, and shall be subject to such Orders, Rules, and 35
 Regulations as the Lords Chief Justices of the said Courts of Queen's Bench and Common Pleas and Lord Chief Baron of the said Court of Exchequer, or any Two of them, shall from Time to Time or at any Time make for the Regulation and Conduct thereof.

Chief Jus-
 tices to
 select Clerk
 of Writs and
 Assistants

XXX. And be it enacted, That it shall and may be lawful for the 40
 Lords Chief Justices of the said Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the said Court of Exchequer, and they are hereby required, as soon as conveniently may be after the passing of

of this Act, and in reasonable Time before the Commencement thereof, to select and appoint, from amongst the Officers, Assistants, and Clerks now employed in the Writ, Appearance, and Seal Offices of the said Three Courts, One of the said Officers now being Clerk of the Writs, 5 Appearances, and Seal, to be the Clerk of the Writs, Appearances, and Seal in the said consolidated Office, and a sufficient Number of the said Assistants and Clerks to discharge the Duties of the said consolidated Office; and the Persons so selected and appointed by the said Chief Justices and Chief Baron shall have the same Powers and Authorities 10 and discharge the like Duties in the said consolidated Office, except as herein-after provided, as were assigned to the Clerks of the Writs, Appearances, and Seal, and their Assistants and Clerks, in the respective Offices of the said Three Courts, under and by virtue of an Act passed in the Seventh and Eighth Years of the 15 Reign of Her present Majesty, intituled "An Act to regulate and " reduce the Expense of the Offices attached to the Superior Courts " of Common Law in Ireland payable out of the Consolidated Fund," and shall hold their Offices as therein provided, and shall be entitled to such Salaries respectively as the Commissioners of Her Majesty's 20 Treasury shall assign; and such Salaries, when settled and directed by the said Commissioners of Her Majesty's Treasury, shall be payable to the said Persons respectively in like Manner and out of the same Fund as provided for Payment of Salaries by the said recited Act.

from amongst those now similarly employed;

such Clerk of Writs and Assistants to have same Powers, &c. as under 7 & 8 Vict. c.107.

XXXI. And be it enacted, That when and so often as a Vacancy 25 shall occur by the Death, Resignation, or Removal of the Clerk of the Writs to be appointed in pursuance of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor of Ireland for the Time being to nominate and appoint some fit or proper Person to fill such vacant Office; provided that the Person so appointed shall 30 be qualified as by the said last-recited Act is directed and required; and when and so often as a Vacancy shall occur by the Death, Resignation, or Removal of any of the Assistants or Clerks in the said Office such Vacancy shall be filled up by the Appointment of such of the Assistants or Clerks then in the said Office holding 35 Situations inferior to that which shall be vacant, as the Masters of the said Superior Courts, or any Two of them, shall select and appoint, with the Approval of the Lords Chief Justices and Chief Baron, or any Two of them; and that on all future Vacancies in the Junior Clerkship in the said Office the Masters of the said Superior 40 Courts, or any Two of them, shall appoint some fit and proper Person to be such Junior Clerk.

CLAUSE I.
Future Appointments to be made as herein directed.

XXXII. Provided always, and be it enacted, That the said Clerk of the Writs shall not take Affidavits, or receive and file any returned Writs, and that all such Writs shall be received and filed by the

Clerk of the Writs not to take Affidavits or

receive and
file returned
Writs.

Pleadings Assistants respectively of the Courts into which the same shall be returnable.

Officers now
in Writ
Offices not
included in
consolidated
Office to
cease to be
such Officers,
&c.

XXXIII. And be it enacted, That every Officer, Assistant, and Clerk now employed in the said Writ and Appearance and Seal Offices of the said several Courts, and who shall not be so selected and appointed in the said consolidated Office, shall, from the Time of the said Consolidation, cease to be such Officer, Assistant, or Clerk as constituted by the said Act. 5

CLAUSE K.
Office of
Chief Crier
of Court of
Exchequer
abolished,
and One
Crier only to
be appointed.

Crier to be
paid in future
by Salary, as
in the other
Courts.

XXXIV. And be it enacted, That from and after the Commencement of this Act the Office of Chief Crier of the said Court of Exchequer shall be and the same is hereby abolished, and there shall be but One Crier of the said Court, who shall hold his Office in like Manner as the Crier of each of the other Superior Courts of Common Law; and it shall not be lawful for any Crier of the said Court of Exchequer to ask, demand, or receive any Fee or Fees in respect of Judgments, Appearances, or any other Proceedings at the Law Side of the said Court, but that such Fees shall utterly determine and cease to be payable; and that in lieu thereof such Crier shall in future be paid a Salary of One hundred and twenty Pounds yearly, as in the other Two Superior Courts of Common Law, which Salary shall be payable to such Crier in like Manner and out of the same Fund as herein-before provided for the Payment of Salaries: Provided always, that the said Crier shall account periodically, at such Times and in such Manner as the said Commissioners of the Treasury shall direct, for the Fees to be received by him in respect of Business at the Equity Side of the said Court, and shall pay over the Amount thereof at such Times and in such Manner as the said Commissioners of the Treasury shall direct, so that the same shall be carried to the Credit of the Consolidated Fund: Provided also, that the said Crier shall be entitled to receive such Salary in respect of the said Equity Business as the said Commissioners of the Treasury shall direct, the same to be payable out of the Consolidated Fund. 10 15 20 25 30

CLAUSE Q.
Compensa-
tion to Per-
sons affected
by Act.

XXXV. And be it enacted, That every Person holding any Office or Employment in the said several Courts, who shall by the Operation of this Act be deprived of such Office or Employment, or any Emolument arising therefrom, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office or Employment, and what was the Tenure thereof, and what were the lawful Salary or Emoluments in respect of which such Compensation should be allowed, and the said Commissioners in each Case shall award such Compensations, if any, as they 35 40

they shall think just; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that if any Person ceasing under this Enactment to be continued or employed as aforesaid shall be
5 appointed after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended if the Amount of such Salary or Emoluments be greater than the
10 Amount of such Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments: Provided also, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parlia-
15 ment be not then assembled, then within Fourteen Days after the Meeting of the Parliament then next assembled.

XXXVI. And be it enacted, That from and after the said Consolidation of Offices all Writs for the Commencement of Personal Actions in the said Courts shall by the Clerk of the Writs be entered and issued
20 in Rotation by Fifties, that is to say, the first Fifty for the Queen's Bench, the Second Fifty for the Common Pleas, and the Third Fifty for the Exchequer, and so on in continuous Rotation of Fifties for the several Courts, so as to produce and keep up an equal Distribution thereof; and all subsequent Proceedings in any Action so commenced
25 shall be had and taken in the Court to which the said Writ shall be in the course of Rotation allotted, and shall be the Business of the said Court and the Offices thereof.

Writs for Commencement of Actions to be issued in Rotation for the several Courts.

XXXVII. Provided always, and be it enacted, That no Plea in Abatement on the ground of any Privilege possessed or claimed by
30 any Defendant to be sued in any particular Court shall be valid in any such Action.

CLAUSE M.
No Plea in Abatement on ground of Privilege to be valid.

XXXVIII. And be it enacted, That it shall and may be lawful for the Judges of the said several Courts and they are hereby required to devise and adopt and cause to be prepared a fitting Seal, which shall
35 be the Common Seal of the Three Courts, to be affixed to all Writs of either Court by the Clerk of the Writs, and which Seal shall be in lieu of and have the same Force and Effect as the respective Seals of the said Courts now in use.

One Common Seal to be used for the Three Courts.

XXXIX. And be it enacted, That from and after the Com-
40 mencement of this Act every Pleading to be filed in any of the Offices of the said Courts shall be engrossed or written on Vellum
229.

All Pleadings, &c. to be of uniform Shape and Dimensions.
or

Judges to fix
the Shape
and Dimen-
sions of
Pleadings,
&c.

or Parchment of uniform Shape and Dimensions, with a certain Margin so as to admit of their being filed and kept as herein-after directed; and that every Affidavit or other Proceeding usually written upon Paper, and to be filed in any of the said Offices, shall in like Manner be of uniform Shape and Dimensions, and with a like 5 Margin for the like Purpose; and the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, shall determine and by their Order direct what shall be the Shape and Dimensions and Pattern of such Vellum, Parchment, or Paper respectively, and to what Documents such Regulations shall apply; and the Officers of 10 the said Courts shall not receive or file any Pleading, Affidavit, or Document which shall not be according to such Regulations, and engrossed or written fairly and legibly, and in fit Condition to be placed amongst the Records of the Court.

Officers to
file Plead-
ings, &c.
after the
Manner of
Books.

When Judg-
ment to be
made up
Attorney to
deliver to
Officer a
Summary of
Pleadings;
and Officer to
put Plead-
ings together
on Judg-
ment File as
the perma-
nent Record.

XL. And be it enacted, That the Officers whose Duty it shall 15 be to file and keep such Pleadings, Affidavits, and Documents respectively shall file the same as they shall be received in compact Order, attaching them by Laces through the Margin to Portfolio Covers after the Manner of Books, so that the same shall be kept free from Injury and easily accessible; and that when it shall be required to 20 make up any Judgment, the Attorney requiring the same shall deliver to the proper Officer a correct Summary or Recital of the Proceedings, briefly stating the several Pleadings and the Nature thereof, and which Summary shall be written fairly on Parchment, and signed by the Attorney; and thereupon the Officer shall take off from the 25 Pleadings File the several Pleadings in the Cause in which such Judgment shall be required to be made up, and shall place them, together with the said Summary prefixed, in consecutive Order, in like Manner secured by Laces through the Margin, upon the File of Judgments, there to be kept as the permanent Records of the Court. 30

It shall not
be necessary
to transcribe
the whole
Pleadings
on the Judg-
ment Roll,
or to insert
Continu-
ances, &c.,
but only a
Summary or
Recital, &c.

No Judg-
ment to be
disturbed on
the Ground
of Error on

XLI. And be it enacted; That from and after the Commence-ment of this Act it shall not be necessary in enrolling Judgments in any of the said Courts to transcribe the whole Pleadings as heretofore upon the Roll, or to insert Continuances or Imparlanes or any other Fictions now used for Form sake; and that it shall in all 35 Cases of enrolling Judgments be sufficient to place on the Roll a correct Summary or Recital of the Proceedings according to Fact, such as herein-before directed, together with the Award of Judgment in proper Form, with a Reference to the original Pleadings on the Judgment File, whereby the same may be immediately found and 40 inspected; and no Judgment so enrolled under the Authority of this Act shall be liable to be disturbed on the Ground of Error on account of any Omissions hereby authorized upon any Plea whatsoever, any Law

Law or Usage to the contrary notwithstanding: Provided always, that if it shall be deemed necessary in any Case for the Prosecution of a Writ of Error or for any other Purpose, it shall and may be lawful for the Court to order that the whole or any Part of the Pleadings shall be transcribed upon the Roll, and the same shall be transcribed by the proper Officer.

account of Omissions hereby authorized.

Proviso for Cases of Writs of Error, &c.

XLII. And be it enacted, That from and after the Commencement of this Act, on the filing of any Pleading, Affidavit, Document, or Proceeding in any of the Offices of the said Courts or either of them, of which filing it shall be necessary to serve Notice, the Party filing the same shall cause to be served and delivered, together with the Notice thereof, a true Copy of such Pleading, Affidavit, Document, or Proceeding; and it shall not be necessary for either Party to take out or produce in Court or before any Judge or Baron in Chamber an attested Copy of any Pleading, Affidavit, Document, or Proceeding, a Copy of which shall have been delivered, unless it shall happen that the Trial, Hearing, or Motion upon which the Copy of such Pleading, Affidavit, Document, or Proceeding shall be read or used shall be had or made at Assizes, or at any Place where immediate Reference cannot be had to the original Pleading, Affidavit, Document, or Proceeding on the File, in the event of the Accuracy of the delivered Copy being disputed; and all Paper Books for the Judges on Law Arguments, and Transcripts of Records for the Court of Error, shall be prepared and written or engrossed by the Attornies or Parties requiring them, under such Regulations as the Judges shall make in that Behalf by any General Order as hereinbefore provided.

On filing any Pleading, Affidavit, &c., Copy must be delivered with the Notice, and, except in certain Cases, attested Copy shall not be necessary.

XLIII. And be it enacted, That any Expenses which the said Judges shall certify (as now required with reference to incidental Expenses) to have been necessarily or properly incurred in giving effect to the Provisions of this Act shall be charged and paid in like Manner and as Part of the incidental Expenses of the said Courts.

CLAUSE N. Expenses certified as proper to be paid as Part of incidental Expenses.

XLIV. And be it enacted, That all Persons who shall at the Commencement of this Act have been duly appointed as Commissioners for taking Affidavits or Special Bail in and for any one of the said Superior Courts of Common Law shall be Commissioners for, and they are hereby authorized to take Affidavits or Special Bail in and for each of the said Courts; and the Administration of all Affidavits and all Bail Pieces taken by them or any of them by virtue hereof shall have the same Force and Effect to all Intents and Purposes as if the Commissioner administering or taking the same were duly appointed by Commission from each of the said Courts.

Commissioners for taking Affidavits in One Court shall be Commissioners for all the Law Courts;

and hereafter
shall be ap-
pointed by
Court of
Queen's
Bench.

XLV. And be it enacted, That from and after the Com-
mencement of this Act no Commissioner for taking Affidavits or
Special Bail for the said Courts shall be appointed except by the
Court of Queen's Bench ; and that each and every Person appointed
by the said Court as Commissioner for taking Affidavits or Special 5
Bail shall be, by virtue of the Commission issued by the Court of
Queen's Bench, a Commissioner duly authorized to all Intents and
Purposes for taking Affidavits or Special Bail in and for all the
Superior Courts of Common Law, with all the Powers and Privileges
now by Law belonging to, or hereafter to belong to, Commissioners 10
appointed to take Affidavits in and for the said Courts or either of
them.

CLAUSE O.
As to Dis-
qualification
of Commis-
sioners.

XLVI. Provided always, and be it enacted, That any Person
disqualified by the Order of either of the said Courts from acting as
such Commissioner shall be thereupon disqualified from acting as 15
such Commissioner for all the said Courts.

Commence-
ment of Act.

XLVII. And be it enacted, That, save where herein otherwise
provided, this Act shall commence and take effect on the last Day of
Trinity Term next after the passing hereof.

Schedule to
be Part of
this Act.

XLVIII. And be it enacted, That the Schedule to this Act annexed, 20
and all Directions and Matters therein contained, shall be deemed
and taken to be Part of this Act.

CLAUSE P.
Interpreta-
tion of Act.

XLIX. And be it enacted, That in the Construction of this Act
the Words " Judge or Judges " shall be taken to mean also Baron or
Barons ; and that the Words " Recorder, Chairman, Seneschal, or 25
Steward " shall be taken to include any Deputy of the said Recorder,
Chairman, Seneschal, or Steward ; and that wherever the Word
" County " is used herein it shall be taken to extend to and include,
where necessary or consistent, any County of a City or County of
a Town, or City and County of any Place, as the Case may be ; and 30
that the Words " Party and Person " shall extend to and include any
Corporation or other public Body ; and that any Words importing
the Singular Number or the Masculine Gender only shall be under-
stood to include several Matters as well as one Matter, and several
Persons as well as one Person, and Females as well as Males, and 35
Bodies Corporate as well as Individuals, unless it be otherwise pro-
vided, or there be something in the Subject or Context repugnant
to such Construction.

Act may be
amended, &c.

L. And be it enacted, That this Act may be amended or repealed
in the present Session of Parliament.

40

SCHE-

SCHEDULE to which this Act refers.

No. 1.

WRIT OF SUMMONS.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To A.B. of
[Residence and Description, as the Case may be], greeting. We command you, that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of*
at Dublin in an Action [as the Case may be; if in Ejectment add the Words, "of Trespass and Ejectment for Nonpayment of Rent" or "on Title" as the Case may be] "to recover Possession of" (describing the Lands and Premises) at the Suit of C.D.
of [Residence and Description, as the Case may be; in Ejectment add the Words, "and such other Person or Persons as may be necessary to support such Action"]; and take notice, that in default of your so doing the said C.D. may cause an Appearance to be entered for you, and proceed thereon to Judgment and Execution.
Witness the Seal of Our Superior Courts of Common Law hereunto set at Dublin, the Day of
in the Year of Our Lord 18 .

* The Name of the Court to be inserted by Clerk of the Writs at the Time of entering and sealing.

MEMORANDUM to be subscribed to the WRIT before entering and sealing thereof.

Issued by E.F. of No. [the registered Residence]
Dublin. Attorney for the said C.D.

In Cases where the Plaintiff sues in Person the Form shall be varied and signed accordingly.

MEMORANDUM to be endorsed on the WRIT before Service thereof.

N.B.—This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards. (And if the Action be for liquidated Damages) the Plaintiff claims £ for Debt and for Costs, and if the Amount thereof be paid to the Plaintiff or his Attorney within Eight Days from the Service hereof, further Proceedings will be stayed.

THE Plaintiff claims £ _____ **being for** _____ **Year's**
Rent up to the _____ **Day of** _____ **18**, **the**
Times at which the same accrued due being as follows, that is to
say, _____ **and if the**
Amount thereof be paid to the Plaintiff or
Attorney, together with the Costs, before the _____ **Day**
of _____ **18**, **further Proceedings will be stayed.**
Attorney for the Plaintiff.

This Writ was served by me X.Y. on A.B. therein described,
personally, at _____ in the County of _____ on
the _____ Day of _____ 18 ____ .
(Signed) _____

No. 2.

Court of

A.B.
at the Suit of } The Defendant A.B. this Day appears to the Writ of
C.D. } Summons [if in Ejectment or Replevin, to be so
stated here] in this Cause by
said Attorney for the

Dated this Day of 1850.
No. Dublin.

N.B.—In Cases of Default the Words “pursuant to Statute” to be inserted after the Word “appears;” and in Cases where the Defendant appears in Person the Form shall be varied and signed accordingly. In all Cases the Residence or registered Residence of the Defendant or Attorney appearing shall be stated in the Docket of Appearance.

Process and Practice.

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

For the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland.

(*Prepared and brought in by
Mr. Solicitor General, Sir George Grey, and
Sir William Somerville.*)

*Ordered, by The House of Commons, to be Printed,
12 April 1850.*

229.

Under 3 oz.

3 June 1850. 13 VICT.



A

B I L L

INTITULED

An Act to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland.

WHEREAS by an Act passed in the present Session of Preamble.
Parliament, intituled "An Act for the Regulation of 13 Vict. c. 18.
" Process and Practice in the Superior Courts of Common
" Law in Ireland," it is enacted, that the said Act as to certain
5 Provisions thereof shall commence and take effect from and after the
last Day of Trinity Term next after the passing thereof; and it is
expedient to prevent Doubts as to the Construction of the said Act
in that respect: Be it therefore enacted and declared by the Queen's
most Excellent Majesty, by and with the Advice and Consent of
10 the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, That the
Words "from and after the last Day of Trinity Term," in the said
Act contained, shall be construed and taken to mean, and the said
Words are hereby declared to mean, wherever used in the said
15 Act, the last Day of Trinity Term One thousand eight hundred and
fifty.

The Words
"Trinity
Term" in
recited Act
to mean Tri-
nity Term,
1850.

2 *Process and Practice (Ireland) Act Amendment.*

Provision as
to Costs in
Section 19.
of recited
Act to apply
only to Cases
herein
specified.

II. And whereas it is by the said Act enacted, that in all Cases when Judgment shall be permitted to go by Default no Taxation of Costs shall take place therein, but the Officer of the Court in which Judgment shall be signed shall and he is thereby required to add to such Judgment the Sums in the said Act specified as and for 5 the Plaintiff's Costs: Be it enacted and declared, That the said Provision shall be construed and taken, and it is hereby declared to apply only to Cases of Judgment by Default in personal Actions brought for the Recovery of liquidated Sums under Twenty Pounds.

Commence-
ment of Act.

III. And be it enacted, That this Act shall take effect from the 10 passing thereof.

**Process and Practice (Ireland)
Act Amendment.**

A

B I L L

INTITLED

An Act to explain and amend an Act
for the Regulation of Process and
Practice in the Superior Courts of
Common Law in Ireland.

(Brought from the Lords 3 June 1850.)

**Ordered, by The House of Commons, to be Printed,
3 June 1850.**

404.

Under 1 oz.

8 April 1850. 13 VICT.



(Ireland.)

A

B I L L

FOR

Promoting the Public Health in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS further and more effectual Provision ought to be made for improving the sanitary Condition of Towns and populous Places in Ireland, and it is expedient that the Supply of Water to such Towns and Places, and the Sewerage, Drainage, cleansing, and paving thereof, should, as far as practicable, be placed under one and the same local Management and Control, subject to such general Supervision as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act may from Time to Time be applied, in manner herein-after provided, to any Part of Ireland.

Preamble.

Act may be
applied to
any Part of
Ireland.

II. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; (that is to say,)

Interpre-
tation of
Terms:

Words importing the Singular Number shall include the Plural Number: Number, and Words importing the Plural Number shall include the Singular Number:

20

198.

A

Words

Gender:	Words importing the Masculine Gender shall include Females:
"Person :"	The Word "Person" and Words applying to any Person or Individual shall apply to and include Corporations, whether aggregate or sole :
"Lands :" "Premises :"	The Word "Lands" and the Word "Premises" shall include 5 Messuages, Buildings, Lands, and Hereditaments of any Tenure :
"Owner :" -	The Word "Owner" shall mean the Person for the Time being receiving the Rack Rent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account 10 or as Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rack Rent :
"Rack Rent :"	The Expression "Rack Rent" shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises ; and the full net annual Value 15 shall be taken to be the Rent at which the Property might reasonably be expected to let from Year to Year, free from all usual Tenant's Rates and Taxes, and Tithe Commutation Rent-charge (if any), and deducting therefrom the probable average annual Cost of the Repairs, Insurance, and other Expenses (if 20 any) necessary to maintain the same in a State to command such Rent :
"Month :"	The Word "Month" shall mean Calendar Month :
"Commis- sioners of the Treasury :"	The Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury of the 25 United Kingdom of Great Britain and Ireland for the Time being, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland for the Time being :
"Lord Lieu- tenant :"	The Expression "Lord Lieutenant" shall include the Lords Justices or other Chief Governor or Governors of Ireland : 30
"Superior Courts :"	The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin :
"Justice :"	The Word "Justice" shall mean any Justice of the Peace acting for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice," 35 arises :
"Two Jus- tices :"	The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in Petty Sessions for the Place in which the Matter, or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises, or 40 One Divisional Justice acting at any Police Court in the Police District of Dublin Metropolis :
"Court of General or Quarter Ses- sions :"	The Expression "Court of General Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace having

having Jurisdiction over the whole or any Part of the District or Place, as the Case may be, in which the Matter requiring the Cognizance of the " Court of General or Quarter Sessions " arises :

5 The Word " Arbitrators " shall include a single Arbitrator ; and the Words " Arbitrators " and " Arbitrator " shall include an Umpire : " Arbitra-
tors : "

The Word " Oath " shall mean and include an Affirmation in the Case of Quakers, and a Declaration in the Case of Persons " Oath : "
allowed by Law to make a Declaration in lieu of an Oath :

10 The Expression " Corporate Borough " shall mean any Corporate Borough mentioned in the Schedules annexed to an Act of the " Corporate
Borough : "

Third and Fourth Years of the Reign of Her present Majesty, intituled " An Act for the Regulation of Municipal Corpora- 3 & 4 Vict.
tions in Ireland," and any Borough incorporated by Charter c. 108.

15 granted or to be granted in pursuance of that or any subsequent Act :

The Word " District " shall mean the entire Area, Places, or Parts of Places comprised within the Limits of any District to which " District : "
this Act or any Part thereof shall be applied by Order in Council or Provisional Order of the Commissioners of Health, sanctioned
20 by Parliament :

The Expression " Corporate District " shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are exercised and executed by the Council of a " Corporate
District : "

25 Corporate Borough :
The Expression " Non-corporate District " shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are not exercised and executed by the " Non-cor-
porate Dis-
trict : "

30 The Word " Street " shall apply to and include any Highway (not being a Turnpike Road), and any Road, public Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Pas-
" Street : "
sage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley,
35 or Passage within the Limits of any District :

The Word " House " shall include Schools, Factories, and other Buildings in which more than Twenty Persons are employed at " House : "
One Time :

40 The Word " Drain " shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within " Drain : "
the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two
or more Buildings or Premises occupied by different Persons is
45 conveyed :

- "Sewer :"** The Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies :
- "Slaughter-house :"** The Term "Slaughter-house" shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description for Sale : 5
- "Water-works Company :"** The Expression "Waterworks Company" shall mean any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit : 10
- "Water-works :"** The Term "Waterworks" shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company : 15
- "The Local Board of Health :"** The Expression "the Local Board of Health" shall mean the Persons authorized to execute in each District all or any of the Powers, Authorities, and Duties vested in or imposed upon the Local Board of Health by this Act : 15
- "The Clerk," &c.** The Expressions "the Officer of Health," "the Clerk," "the Treasurer," "the Surveyor," "the Inspector of Nuisances," shall mean the Persons respectively appointed to be or authorized to execute the Offices of the Officer of Health, Clerk, Treasurer, Surveyor, and Inspector of Nuisances respectively in each District for the Purposes of this Act. 20 25

Mode of
citing this
Act.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Public Health (Ireland) Act, 1850."

Form in
which Por-
tions of this
Act may be
applied to a
District or
be excepted.

IV. And whereas it may be expedient in some Cases to apply to a District some Portion only of the Provisions of this Act: Be it enacted, That for the Purpose of making such Application of a Portion only of such Provisions it shall be sufficient, in any Order in Council, Provisional Order, or Act of Parliament, to provide or declare that the Clauses of this Act with respect to the Matter so proposed to be applied to any District (describing such Matter as it is described in this Act in the Words introductory to the Enactments with respect to such Matter) shall be applied to or adopted in such District, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so proposed to be applied shall, save so far as they shall be expressly excepted by such Order in Council, Provisional Order, or Act of Parliament, form Part of or be deemed to be referred to by such Order in Council, Provisional Order, or Act of Parliament, and the 30 35 40

the same respectively shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which the same shall relate; and in like Manner a Portion of the Provisions of this Act may be excepted or excluded, such
 5 Portion being described in manner aforesaid.

V. And be it enacted, That the Commissioners of Health in Ireland for the Time being shall be and constitute a Board for superintending the Execution of this Act, and shall be called "The Commissioners of Health," and shall have and execute all the Powers and Duties vested
 10 in or imposed on such Board by this Act; and the Chief Secretary, or in his Absence the Under Secretary of the Lord Lieutenant, shall be the President of the said Board; and the Powers and Duties vested in the said Board by this Act may be exercised and executed by any Two Members thereof; and during any Vacancy in the said Board
 15 the continuing Members or Member thereof may act as if no Vacancy had occurred: Provided always, that the said Commissioners of Health, so far as relates to this Act and the Purposes of the same, shall be continued only for *Five* Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session
 20 of Parliament, and no longer.

Commissioners of Health.

Commissioners of Health to be a Board for executing this Act.

VI. And be it enacted, That the said Commissioners may from Time to Time appoint such Clerks and Servants as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary for the Purposes of this Act; and every Person
 25 so appointed shall be removable at the Pleasure of the said Commissioners of Health; and the said Commissioners shall cause to be made a Seal for their Use in the Execution of this Act, and Documents or Copies of Documents purporting to proceed from them, and to be signed by any Two or more of them, and to be sealed
 30 or stamped with such Seal, shall be received as *prima facie* Evidence in all Courts and Places whatsoever.

Power to Commissioners of Health to appoint Officers and Servants, subject to Approval of Treasury, and to cause a Seal to be made.

VII. And be it enacted, That the Commissioners of Health may from Time to Time, subject to the Approval of the Commissioners of Her Majesty's Treasury, employ any Persons already appointed
 35 as Inspectors under the said Commissioners of Health, or appoint as many more proper Persons as may be necessary, to be Superintending Inspectors for the Purposes of this Act; and every Person so employed or appointed shall have all the Powers, Duties, and Liabilities vested in or imposed upon any Superintending Inspector by this Act, and
 40 shall assist in the Superintendence and Execution of this Act, when,
 198. B where,

Power to employ or appoint Superintending Inspectors, subject to Approval of Treasury.

Commissioners
of Health.

where, and in such Manner as the said Commissioners of Health shall direct, and shall be removable at their Pleasure.

Power to
Treasury to
grant Salaries,
&c. to
Superintending
Inspectors,
Clerks,
and Servants.

VIII. And be it enacted, That there shall be paid to such Clerks and Servants such Salaries or Wages, and to the said Superintending Inspectors such Allowances, as shall from Time to Time be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose: Provided always, that the Allowance to a Superintending Inspector shall not exceed the Sum of for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the Commissioners of Her Majesty's Treasury may allow to any Superintending Inspector such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office under this Act, in addition to his said Allowance.

Preliminary
Inquiry.

Upon Petition of a certain Proportion of Household-ers, &c. or Board of Guardians, Superintending Inspector to make local Inquiry.

IX. And be it enacted, That from Time to Time after the passing of this Act, upon the Petition of not less than *One Tenth* of the Inhabitants rated to the Relief of the Poor of any City, Town, Borough, Parish, or Place having a known or defined Boundary, not being less than *Thirty* in the whole, or of the Board of Guardians of the Union in which the whole or any Part of any such City, Town, Borough, Parish, or Place shall be situated, *Two Thirds* of such Board of Guardians consenting thereto, or (if the same be situated in more than One Union) then of the Board of Guardians of each such Union, in like Manner, but (in the Case of a Petition of a Board or Boards of Guardians) with the Consent of the Commissioners for administering the Laws for the Relief of the Poor in Ireland, the Commissioners of Health may, if and when they shall think fit, direct a Superintending Inspector to visit such City, Town, Borough, Parish, or Place, and to make public Inquiry, and to examine Witnesses, as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Acts of Parliament in force within such City, Town, Borough, Parish, or Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, or having relation to the Purposes of this Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Board may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to the

the Lord Lieutenant, or making a Provisional Order, as herein-after mentioned.

Preliminary Inquiry.

- X. And be it enacted, That before proceeding upon such Inquiry the said Inspector shall give *Fourteen* Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry will relate, and by causing such Notice to be affixed on the Doors of the principal Churches, Chapels, public Buildings, and Places where public Notices are usually affixed within such Parts, and in such other Manner as may appear to the said Inspector to be necessary; and so soon as can be after the Completion of such Inquiry he shall report in Writing to the Commissioners of Health, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid, and upon any other Matters with respect to which he may deem it expedient to report for the Purposes of this Act; and if upon such Report it appear to the said Commissioners that the Boundaries which may be most advantageously adopted for the Purposes of this Act are not the same as those of the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, they shall cause the same or some other Superintending Inspector to visit the Parts within the Boundaries proposed to be adopted for the Purposes of this Act, and, after having given such Notice as is herein-before prescribed, to hear all Persons desirous of being heard before him upon the Subject of the said Report, and to make such further Inquiry and Report to the said Commissioners as they may direct; and upon the Presentation of such Report or further Report the said Commissioners shall cause Copies thereof respectively to be published in the Parts to which such Report or further Report respectively relate, in such Manner as they may direct, and shall also cause other Copies thereof respectively to be deposited with the Town Clerk of any Corporate Borough affected thereby, and with the Clerk to the Commissioners or Trustees acting under any Act of Parliament in force within such Parts for lighting, paving, cleansing, watching, regulating, supplying with Water, or improving such Parts, or any of them, or in anywise relating to the Purposes of this Act, and with the Clerk to the Justices acting for any Petty Sessions District, or for any Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union the whole or Part of which may be affected thereby; and if such Report or further Report relate to Parts not being within any Corporate Borough the said Commissioners shall cause other Copies of the same to be deposited with the Churchwardens, if any,
- of
- Inspector to give Notice of Inquiry, and report to Commissioners the Result of the same.
- Upon such Report Commissioners may, if they think fit, cause Inspector to make further Inquiries respecting Boundaries, and present a further Report, which shall be published, &c.
- 198.

Preliminary
Inquiry.

of any Parish in which such Parts or any of them may be, and at the nearest Police Station (public Notice being given of the Place or Places where such Copies shall have been deposited); and the Copies so published or deposited shall be accompanied by a Notice stating that within a certain Time, not being less than One Month from the 5 Time of such Publication and Deposit, written Statements may be forwarded to the said Commissioners with respect to any Matter contained in or omitted from the said Report or further Report, or any Amendment proposed to be made therein; and all such Statements shall be deposited with such Town Clerk, Clerk to Justices, Clerk to 10 the Board of Guardians, and with such Churchwardens respectively, or at such Police Station, in like Manner as the said Copies, and shall, together with such Copies, be open to public Inspection from the Hour of Eleven in the Forenoon till the Hour of Three in the Afternoon every Day during the Time specified in the last-mentioned 15 Notice, Sundays, Christmas Days, Good Fridays, and Days appointed for General Fasts or Thanksgivings only excepted; and any Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, or Churchwardens, who shall refuse to receive any Document or Copy of any Document directed to be deposited with him or them as aforesaid, 20 or to allow such Inspection, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*; and after the Expiration of such last-mentioned Notice the said Commissioners may, if they think fit, direct such further Inquiry and Report as to them may seem necessary and proper. 25

Application of
the Act.

Cases in
which Act
shall be put
in force by
Order of
Lord Lieu-
tenant in
Council.

XI. And be it enacted, That if after such Inquiry or further Inquiry as aforesaid it appear to the said Commissioners of Health to be expedient that this Act or any Part thereof should be applied to the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, upon the Petition of such Inhabitants as aforesaid, 30 and within the same Boundaries as those of such City, Town, Borough, Parish, or Place, and within which there is no Act of Parliament in force for paving, lighting (otherwise than for the Profit of Proprietors or Shareholders), cleansing, watching, regulating, supplying with Water, or improving such City, Town, Borough, Parish, or Place, or 35 any Part thereof, or in anywise relating to the Purposes of this Act, they shall report to the Lord Lieutenant accordingly; and at any Time after Presentation of such Report it shall be lawful for the Lord Lieutenant, by and with the Advice of the Privy Council for Ireland, to order that this Act or any Part thereof shall be applied to and be 40 put in full force and operation within such City, Town, Borough, Parish, or Place; and if after such Inquiry or further Inquiry as aforesaid it appear to the said Commissioners to be expedient that this Act or any Part thereof should be put in force within Boundaries

Cases in
which Act
shall be put
in force by

daries not being the same as those of the City, Town, Borough, Provisional
 Parish, or Place from which the said Petition proceeded, or within Order of
 Boundaries where no Petition has been presented from such Inhabi- Commis-
 tants as aforesaid, or within any City, Town, Borough, Parish, or sioners, and
 5 Place in which any such Act of Parliament as aforesaid is in force, sanctioned
 they shall make a Provisional Order under their Hands and Seal of by Parlia-
 Office accordingly, with such Provisions, Regulations, Conditions, and ment.
 Restrictions with respect to the Application and Execution of this
 Act or any Part thereof, and with respect to any such Act, and the
 10 Repeal, Alteration, Extension, or future Execution of the same, and
 in all respects whatsoever as they may think necessary under all the
 Circumstances of the Case; and such Provisional Order shall be
 published in the Parts to which the same relates in such Manner as the
 said Commissioners of Health may direct, and shall be deposited with
 15 the Town Clerk of any Corporate Borough affected thereby, and with
 the Clerk to the Commissioners or Trustees acting under any such
 Act, also with the Clerk to the Justices acting for any Petty Sessions
 District or any Division in which such Parts may be, and with the
 Clerk of the Board of Guardians of the Union or Parish the whole or
 20 Part of which may be affected thereby; and if such Provisional
 Order relate to Parts not being within any Corporate Borough, the said
 Commissioners of Health shall cause other Copies of the same to be
 deposited with the Churchwardens (if any) of any Parish in which such
 Parts or any of them may be, and at the nearest Police Station; and in
 25 case it shall be enacted by any Act of Parliament hereafter to be passed,
 that the whole or Part of any Provisional Order or Orders of the Com-
 missioners of Health shall be confirmed and be absolute, the whole or
 Part of such Provisional Order or Orders which shall be so confirmed
 shall be as binding and of the like Force and Effect as if the same
 30 had been expressly enacted by Parliament, and every such Act shall
 be deemed a Public General Act; but no such Provisional Order
 shall have any Force or Effect, nor shall this Act or any Part thereof
 be applied, in either of the Cases last aforesaid, except for the Pur-
 poses of such Inquiry, further Inquiry, Report, or Provisional Order,
 35 without the previous Authority of Parliament; and no such Pro-
 visional Order, or any altered or amended Order, shall be made with
 respect to any Local Act of Parliament under which any Waterworks
 Company is empowered to construct Waterworks or supply Water
 for their own Profit, without the Consent of the Waterworks Company
 40 empowered by such Local Act first had and obtained: Provided
 always, that, except for the Purposes of Main Sewerage, no Corporate
 Borough or any Part thereof shall be included in any District not
 exclusively consisting of the whole or Part of One such Borough
 without the previous Consent of the Council under the Common Seal
 45 of the Borough; but nothing herein contained shall be construed

Exception
with respect
to certain
Local Acts
for supplying
Water.

Consent of
Town Coun-
cil, &c. in
certain
Cases.

*Application of
the Act.*

to require such Consent to the Constitution of a District exclusively consisting of the whole or Part of One such Borough for all or any of the Purposes of this Act, nor to hinder or prevent the Application of all or any of the Provisions of this Act to Parts exclusively consisting of the whole or Part of One such Borough, 5 although the same Parts or any of them may have been already included within a District for the Purposes of Main Sewerage: Provided also, that, except for the Purposes of Main Sewerage, no Parts beyond the Boundaries of a Corporate Borough shall be included in any District comprising the whole or Part of any such Borough, 10 except upon the Petition of a Majority of the Owners of Property and Rate-payers who would be qualified to vote in the Election of Members of a Local Board of Health for the Parts proposed to be so included; but nothing herein contained shall be construed to require such Petition in order to the Constitution of a District 15 exclusively consisting of Parts not within the Boundaries of any such Borough, nor to hinder or prevent the Application of all or any of the Provisions of this Act to a District exclusively consisting of such last-mentioned Parts, although the same Parts, or any of them, may have been already included within a District for the Purposes of 20 Main Sewerage.

*Preliminary
Inquiry
(continued).*

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates.

XII. And be it enacted, That from and after the making of any such Order in Council, or the passing of any Act of Parliament confirming any Provisional Order of the Commissioners of Health, the Costs, Charges, and Expenses especially incurred by or under 25 the Direction of the said Commissioners, or of any Superintending Inspector, in relation to any Inquiry or further Inquiry as aforesaid, shall, to such Extent and Amount as the Commissioners of Her Majesty's Treasury by Order under their Hands may think proper to direct, become a Charge upon the General District Rates levied 30 in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the 35 said Costs, Charges, and Expenses as shall from Time to Time remain unpaid.

*Summary
limited Appli-
cation of Act.*

Upon Petition of a certain Proportion of the rated Inha-

XIII. And with respect to the summary limited Application of this Act to a District, be it enacted as follows :

In any Case where a summary limited Application of this Act to a 40 District is prayed or proposed, upon the Petition of not less than One Tenth of the Inhabitants rated to the Relief of the Poor of any City, Town, Borough, Parish, or Place having a known or defined Boundary,

dary, not being less than Thirty in the whole, or upon the Petition of the Majority of any Town Council in any Corporate Town, or of a Majority of the Town Commissioners acting for any Town under the Provisions of an Act herein-after mentioned of the Ninth Year of the Reign of His late Majesty King George the Fourth, praying respectively the summary limited Application of this Act to the District therein mentioned by the Application thereto of the Provisions of this Act with respect to the Matters following, or any of them, that is to say, the Provisions with respect to Surface cleansing, with respect to Nuisances, with respect to Slaughter-houses, with respect to Lodging Houses, with respect to the Construction of Dwelling Houses, with respect to Burial Grounds, and with respect to the Supply of Water by Wells or Pumps, if it shall thereupon appear to the Satisfaction of the said Commissioners of Health, either without further Inquiry, or upon such further Inquiry as, without Charge or Expense to such District, they may think fit to institute, that it is expedient that a summary and limited Application of this Act should be made to the City, Town, Borough, Parish, or Place with respect to which such Petition as aforesaid shall have been presented, and within the same Boundaries as those of such City, Town, Borough, Parish, or Place, and within which there is no Act of Parliament (save the aforesaid Act of the Ninth Year of King George the Fourth) in force for paving, lighting (otherwise than for the Profit of Proprietors or Shareholders), cleansing, watching, regulating, supplying with Water, or improving such City, Town, Borough, Parish, or Place, or any Part thereof, or in anywise relating to the Purposes of this Act, the said Commissioners of Health shall report to the Lord Lieutenant accordingly; and at any Time after Presentation of such Report it shall be lawful for the Lord Lieutenant, by and with the Advice of the Privy Council for Ireland, to order that a summary limited Application of this Act shall be made to such City, Town, Borough, Parish, or Place, under the Provisions, or any of them, so specified and limited as aforesaid, and that the same shall be put in force and operation therein as aforesaid; and thereupon the Powers and Authorities of this Act, so far as they shall be applicable for carrying into effect the Provisions and Matters so specified and limited in such Order in Council, and the Provisions, Powers, and Authorities of this Act consequential upon or applicable to the same Matters, and to the carrying of the same into full Effect, shall be applied to and be in operation in such District.

bitants, praying the summary Application of a limited Part of this Act to a District, and on the Commissioners Report that the same is expedient, a limited Part of Act may be put in force by Order of Lord Lieutenant in Council.
9 G. 4. c. 82.

XIV. And be it enacted, That in every District exclusively consisting of the whole or Part of One Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall be, by the Council of the Borough, within and for such District the Local Board of Health

Local Boards of Health.
Town Council to be the Local Board

in Districts
consisting of
One Bo-
rough, &c.

Selection,
&c. of Local
Boards by
Town Coun-
cils.

9 G. 4. c. 82.

Selection of
Part of
Local Board
by Town
Councils,
and Part by
Owners and
Rate-payers,
where Dis-
trict consists
of Borough
and also of
Non-corporate
Parts.

Health under this Act, and such Council shall exercise and execute the Powers, Authorities, and Duties of such Local Board according to the Laws for the Time being in force with respect to Municipal Corporations in Ireland: Provided nevertheless, that wherever in such Case the herein-before mentioned Act of the Ninth Year of the Reign 5 of His late Majesty King George the Fourth, intituled "An Act to " make Provision for the lighting, cleansing, and watching of Cities, " Towns Corporate, and Market Towns, in Ireland, in certain Cases," shall be in operation in such Corporate Borough, the Town Commis- 10 sioners for the Time being acting in the Execution of the said last- mentioned Act shall be the Local Board of Health under this Act, instead of the Mayor, Aldermen, and Burgesses of the said Borough; and in every District exclusively consisting of Two or more of such Boroughs, or of One or more of such Boroughs and also of Part of any other such Borough or Boroughs, or 15 exclusively consisting of Part of Two or more of such Borough or Boroughs, the Mayors for the Time being of the Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order as aforesaid to be selected by each of such Councils respectively out 20 of their own Number, or from Persons qualified to be Councillors of the Borough in respect of which the Selection is to be made, and shall be named and selected by such Councils accordingly, shall, within and for such District, be the Local Board of Health under this Act; and in every District comprising the whole or Part of any such Borough 25 or Boroughs, and also Parts not within the Boundaries of any such Borough, the Mayor or Mayors for the Time being of the Borough or Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order to be selected by such Council or each of such 30 Councils respectively out of their own Number, or from the Persons qualified to be Councillors of the Borough in respect whereof the Selection is to be made, and shall be named and selected by such Council or Councils accordingly, shall, together with such Number of Persons as shall be elected as herein-after mentioned in respect of such 35 Non-corporate Parts, be, within and for such District, the Local Board of Health under this Act; and the first Selection by any such Council in pursuance of this Act shall be made on a Day to be appointed by Parliament; and each Person selected by the Council out of their own Number shall be a Member of the Local Board with which he 40 is selected to act so long as he continues without Re-election to be Member of the Council from whom he was selected, and no longer; and each Person selected by the Council otherwise than out of their own Number shall be a Member of the Local Board with which he is selected to act for *One Year* from the Date of his Selection, and no 45 longer;

longer; and in case of any Vacancy in the Number selected some other Person or Persons (as the Case may require) shall be selected by the Council by whom the Person or Persons causing the Vacancy was or were selected, within *One Month* after the Occurrence of the
 5 Vacancy; and the Meeting of any Council at which any Selection as aforesaid is made in pursuance of this Act shall to all Intents and Purposes be deemed to be a Meeting held in pursuance of an Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled "An Act for the Regulation of Municipal Corporations in
 10 "Ireland."

*Local Boards
of Health:*
—

3 & 4 Vict.
c. 108.

XV. And be it enacted, That in every District comprising the whole or Part of any Corporate Borough or Boroughs as aforesaid, and also any Part or Parts not within the Boundaries of any Corporate Borough or Boroughs, such Number of Persons, qualified as herein-
 15 after prescribed, as shall be fixed by such Provisional Order as aforesaid to be elected for such Part or Parts, or for each of such Parts respectively, shall from Time to Time be elected in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, together with the Persons selected as aforesaid in
 20 respect of the Corporate Parts of such District, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, but being a District to which this Act may be applied by Order of the Lord Lieutenant in Council,
 25 such Number of Persons, qualified as herein-after prescribed in this Behalf, as shall be fixed by such Order in Council, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and in every District
 30 not comprising the whole or Part of any Corporate Borough or Boroughs, and being a District to which this Act cannot be applied without the Authority of Parliament, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid, shall be elected, in such Manner, and by such
 35 Owners of Property and Rate-payers, as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and the First Election for any District or Part of a District shall take place on a Day to be appointed by Order of the Lord Lieutenant in Council or by Parliament (as the Case may
 40 require); and *One Third* of the Number elected for the whole or any Part or Parts of a District respectively shall go out of Office on such Day in each Year subsequently to that of the First Election as shall be appointed by such Order in Council or Provisional Order as aforesaid (as the Case may require); and the Order in which the

Election of
Members of
Local Board
by Owners
and Rate-
payers, where
District com-
prises Corpo-
rate Borough
and also Non-
corporate
Parts;

in Non-cor-
porate Dis-
tricts, where
Act may be
applied by
Order in
Council;

in Non-
corporate
Districts,
where Act to
be applied by
Provisional
Order and
Act of
Parliament.

*Local Boards
of Health.*

Persons first elected shall go out of Office shall be regulated by each Local Board: Provided always, that if the Number of Persons to be elected be not divisible by *Three* the Proportion to go out of Office in each Year shall be regulated by such Order in Council or Provisional Order (as the Case may require) so that as nearly as may be *One Third* shall go out of Office in each Year; and if the Number of Persons to be elected for any Part of a District be less than *Three* the Persons elected shall go out of Office on such Day in each Year, or at such other Period, not being less than a Year, as such Order in Council or Provisional Order (as the Case may require) shall direct; 10 but no Person elected shall in any Case continuously remain in Office for more than *Three* Years; and on the Days appointed for going out of Office a Number of Persons shall be elected equal to the Number of those so going out, and so many others as may be necessary to complete the full Number of the Local Board of Health in 15 respect of which the Election is to be made.

Commissioners may nominate Two Persons to be added to any Local Board.

XVI. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Health, if they shall so think fit, to nominate from Time to Time any Two Persons to be added to any Local Board of Health, which Persons so nominated shall be in all respects 20 Members of such respective Local Board, save that they or either of them shall not have any Vote on any Question as to making or imposing any Rate or Rates for any of the Purposes of this Act.

Regulations as to the Number of Persons to be selected or elected Members of Local Boards.

XVII. And be it enacted, That the Number of Persons to be selected or elected for the whole or any Part of a District shall from 25 Time to Time be regulated by such Order in Council or Provisional Order as aforesaid (as the Case may require), due Regard being had to the Size and Circumstances of each District, as may appear to be just and proper; and that any Member of the Local Board of Health, after going out of Office, resigning, or otherwise ceasing 30 to be such Member, may, if otherwise qualified, be again selected or elected (as the Case may require); and in the event of any Vacancy in the Number of Persons elected, by Death, Resignation, or otherwise, between the Times appointed for Election as aforesaid, or if at any Time the said Local Board be without its full Number of 35 Members, the remaining Members shall continue and be as competent to act until the Time appointed for Election, or until the full Number is selected or elected, (as the Case may require,) as if no Vacancy had occurred; and if any Person be both selected and elected to be a Member of the Local Board of Health he shall, 40 within *Three* Days after Notice thereof from the Clerk, choose, or in default of such Choice the Local Board of which he is so selected and elected to be Member shall determine, the Title in respect of which

In case of Vacancies, remaining Members may act.

Persons both selected and elected, &c. to serve in respect of One Title only.

which he shall serve, and immediately upon such Choice or Determination the Person so selected and elected shall be deemed to be Member only in respect of the Title so chosen or determined, and his Office as Member in respect of any other Title shall thereupon
5 become vacant.

*Local Boards
of Health.*

XVIII. Provided always, and be it enacted, That if any Corporate Borough or Part thereof be included only for the Purposes of Sewerage in any District comprising any Part or Parts not within the Boundaries of any such Borough, and the last-mentioned Part or
10 Parts, or any of them, be constituted a District or Districts for any other Purposes of this Act, the Persons elected for such Sewerage District shall, within and for the separate District within which they shall have been so elected, be and constitute the Local Board of Health, in the same Manner and as fully to all Intents and Purposes
15 as if they had been expressly elected to constitute the same.

*Members
elected for
Part of a
Sewerage
District to
constitute
separate
Board for
other Pur-
poses of the
Act.*

XIX. And be it enacted, That every Person elected as aforesaid shall at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, be resident within the District for which or for Part of which he is elected, or within *Seven Miles*
20 thereof, and be seised or possessed of Real or Personal Estate, or both, to such Value or Amount as shall be fixed by such Order in Council or Provisional Order as aforesaid (as the Case may require), within the Limits next herein-after provided, or be so resident, and rated to the Relief of the Poor of some Electoral Division or Place
25 of which some Part is within such District or Part of a District, upon such annual Value as shall be fixed by such Order in Council or Provisional Order (as the Case may require), within the Limits next herein-after provided: Provided always, that it shall not be lawful to require that any Person be seised or possessed as aforesaid to a
30 Value or Amount exceeding *One thousand Pounds*, or to require that any Person be rated upon an annual Value exceeding *Thirty Pounds*: Provided also, that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to
35 be elected, or if Two or more Persons be jointly rated in respect of any Property which if equally divided between them would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected; but the same Property shall not at the same Time qualify both the Owner and the Occupier
40 thereof.

*Qualification
of elected
Members.*

XX. And be it enacted, That no Person elected as aforesaid, or selected by any Council otherwise than out of their Number, shall
198.

*Declaration
to be made
by Members
act*

of Local
Boards be-
fore acting.

act as Member of the Local Board of Health (except in adminis-
tering the following Declaration) until he shall have made and signed
before Two or more other Members for the District for which he is
elected a Declaration in Writing to the Effect following ; (that is
to say,) 5

‘ I A.B. do solemnly declare, That I am seised or possessed of Real
‘ or Personal [or, Real and Personal] Estate to the Value or
‘ Amount of [or, that I am rated to the Relief of the
‘ Poor of upon the annual Value of].

‘ (Signed) A.B.’ 10

‘ Made before us, C.D. and E.F., Members
‘ of the Local Board of Health for the
‘ District of this Day
‘ of .’

False Decla-
ration a Mis-
demeanor.

And such Declaration shall be made and signed by the Person making 15
the same, and shall be filed and kept by the Clerk ; and any Person
who shall falsely or corruptly make and subscribe the said Decla-
ration, knowing the same to be untrue in any material Particular,
shall be deemed guilty of a Misdemeanor.

Persons neg-
lecting to
make Decla-
ration or to
act for Three
Months to
cease to be
a Member.

XXI. And be it enacted, That any Person elected as aforesaid, 20
or selected by any Council otherwise than out of their own Number,
who neglects to make and subscribe the Declaration required by this
Act for the Space of *Three* Months next after his Selection or
Election, and any Person selected or elected under this Act who
during *Three* successive Months is absent from all Meetings and 25
Committees of the Local Board of Health of which he is elected or
selected to be Member, shall be deemed to have refused to act, and
shall cease to be a Member of such Local Board, and his Office as
such shall thereupon become vacant.

Disqualifi-
cations.

XXII. And be it enacted, That no Bankrupt, Insolvent, or other 30
Person not qualified as aforesaid, shall be capable of being elected as
aforesaid ; and if any Person, after being so elected or selected by any
Council otherwise than out of their own Number, shall lose or dis-
continue to hold his Qualification, or shall be declared bankrupt, or
shall apply to take the Benefit of any Act for the Relief or Protection 35
of Insolvent Debtors, or shall compound with his Creditors, or if any
Member selected or elected under this Act shall accept or hold any
Office or Place of Profit under the Local Board of Health of which
he is Member, or shall in any Manner be concerned in any Bargain or
Contract entered into by such Board, or participate in the Profit 40
thereof, or of any Work done under the Authority of this Act in or
for the District for which he is Member, then and in every such Case
such

such Person shall, except in the Cases next herein-after provided, cease to be such Member, and his Office as such shall thereupon become vacant; and any Person who, not being duly qualified to act as Member of the said Local Board, or who has not made and
 5 subscribed the Declaration required of him by this Act, or who after being disqualified or disabled from acting by any Provision of this Act shall so act, shall for every such Offence be liable to a Penalty of *Fifty Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; and in such Action it shall be sufficient
 10 for the Plaintiff to prove in the first instance that the Defendant at the Time when the Offence is alleged to have been committed acted as such Member; and the Burden of proving Qualification, and the making and Subscription of the Declaration, or negating Disqualification, by reason of Nonresidence, or not being seised or possessed of
 15 the requisite Real or Personal Estate, or both, shall be upon the Defendant: Provided always, that no Person, being a Proprietor, Shareholder, or Member of any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, shall be disabled from being, continuing, or acting
 20 as Member of the said Local Board by reason of any Contract entered into between such Company or Concern and such Board; but no such Person shall vote as Member of the said Local Board upon any Question in which such Company or Concern is interested: Provided also, that all Acts and Proceedings of any Person disqualified,
 25 disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said Declaration, shall, if done previously to the Recovery of the last-mentioned Penalty, be valid and effectual to all Intents and Purposes whatsoever.

*Local Boards
of Health.*

Penalty for
acting when
disqualified,
&c.

XXIII. And be it enacted, That at every such Election as aforesaid
 30 the Rate-payers in respect of Property in the District or Part of a District for which the Election is held, and the Owners of such Property, shall be entitled to vote according to the Scale following; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than *Twenty Pounds* he shall
 35 have One Vote, if such rateable Value amount to *Twenty Pounds* and be less than *Fifty Pounds* he shall have Two Votes, if it amount to *Fifty Pounds* and be less than *One hundred Pounds* he shall have Three Votes, if it amount to *One hundred Pounds* and be less than *One hundred and fifty Pounds* he shall have Four Votes, if it amount
 40 to *One hundred and fifty Pounds* and be less than *Two hundred Pounds* he shall have Five Votes, and if it amount to or exceed *Two hundred Pounds* he shall have Six Votes; and any Person who is Owner and also bonâ fide Occupier of the same Property shall be entitled to vote both in respect of such Ownership and of

*Election of
Local Boards.*

Qualification
of Electors,
and Scale of
voting.

*Election of
Local Boards.*

Definition of
the Words
"Owner" and
"Owners" as
applied to
this Act.

such Occupation ; and the Votes shall be given, taken, collected, and returned according to the Directions herein-after contained ; and the Majority of the Votes actually collected and returned shall be binding on the District or Part of a District for which the Election is had ; and whosoever shall not vote or shall not comply with such 5 Directions shall be omitted in the Calculation of Votes, and be deemed to have had no Vote : Provided always, that the Word " Owner " and " Owners," when used in this Act in relation to the Right of voting at any Election under this Act, shall respectively be construed to mean any Person or Persons for the Time being in 10 the actual Occupation of any Kind of Property rateable to the Relief of the Poor, and not let to him or them at a Rack Rent, or any Person or Persons receiving, either on his or their own Account, or as Mortgagee or Mortgagees, or other Incumbrancer or Incumbrancers, in possession, the Rack Rent of any such Property ; and no Person 15 shall be deemed a Rate-payer or be entitled to vote as such at any such Election unless he shall have been rated to the Relief of the Poor in the District or Part of a District for which he claims to vote for the Space of *One whole Year* immediately preceding the Day of tendering his Vote, and shall have also paid all Rates made upon him for 20 the Relief of the Poor in such District or Part of a District for the Period of One whole Year, and shall have also paid all such Rates, and all Rates due from him under this Act, before that Day, in such District or Part of a District, except Rates which shall have been made or become due within the *Six Months* immediately preceding : 25 Provided also, that in case of Property belonging to a Corporation, Aggregate, or to a Joint Stock or other Company, or to any Body of Proprietors or Undertakers, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Owner for the Purpose of voting under this Act, and shall vote by 30 Proxy appointed in Writing under the Common Seal (in case of a Corporation) or (in any other Case) under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern ; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern, shall be 35 entitled to vote individually as Owner in respect of such Property ; and no Owner whosoever shall be entitled to vote as such, unless, *Fourteen Days* at least previously to the Day of tendering his Vote, he shall have delivered to the Clerk, or (in case of the first Election) to such Person within the District in which the Qualification to vote 40 is situate as shall be directed by such Order in Council or Provisional Order (as the Case may require), a Statement in Writing of his Name and Address, and containing a Description of the Nature of his Interest or Estate in the Property giving the Qualification, and a Statement of the Amount of all Rent-service (if any) which he may receive 45 or

or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay the same; and no such Corporation Aggregate, Joint Stock or other Company, Body of Proprietors or Undertakers, shall be entitled to vote unless such Statement contain
 5 the Name and Address of the Proxy appointed, and a true Copy of the Appointment of such Proxy.

*Election of
Local Boards.*

XXIV. And be it enacted, That at every Election by Owners of Property and Rate-payers under this Act the Chairman of the Local Board of Health, or, in case of the first Election, such Person as shall
 10 be appointed by Order of the Lord Lieutenant in Council, or by Provisional Order of the Commissioners of Health, (as the Case may require,) shall have the Powers and perform the Duties vested in or imposed upon the said Chairman by this Act in relation to any such Election, and shall perform all other Duties which it may be requisite
 15 for him to perform in conducting and completing Elections under this Act; and in case the Office of Chairman shall be vacant at the Time when any such Power or Duty must be executed or performed, or in case the Chairman or Person appointed as last aforesaid, from Illness or other sufficient Cause, shall be unable to exercise or dis-
 20 charge such Powers or Duties, or shall be absent, or shall refuse to act, some other Person who shall be appointed (in case of the first Election) by such Order in Council or Provisional Order, or (in any other Case) by the Local Board of Health, shall exercise or perform such of the said Powers and Duties as then remain to be exercised
 25 or performed; and the said Local Board, or (in case of the first Election) the Person appointed by such Order in Council or Provisional Order, shall, before or during the Election, appoint a competent Number of Persons to assist and attend upon the Chairman or the Person so appointed (as the Case may require) in conducting and
 30 completing the same.

*Elections, by
whom to be
conducted.*

XXV. And be it enacted, That the Clerk of the Board of Guardians of any Union wholly or in part within the Parts for which any such Election shall be held, or other Officers having the Custody of any Books or Papers relating to the Election of Guardians of the
 35 Poor, or the Poor Rate Books relating to any Parts or Places within such District, shall permit the same to be inspected, and Copies or Extracts to be taken therefrom by the said Chairman, or (in case of the first Election) by any Person appointed by such Order in Council or Provisional Order as aforesaid; and the said Chairman may, if he
 40 shall see fit, cause to be made an alphabetical List of the Persons entitled to vote at the Election.

*Production
of Poor Rate
Books, &c.
for Purposes
of Election.*

*List of
Voters, &c.
to be made
if necessary.*

Publication
of Notices
previously to
Election.

XXVI. And be it enacted, That the said Chairman shall, before every such Election, prepare, sign, and publish a Notice, which shall contain the Particulars following; that is to say, the Number and Qualification of the Persons to be elected, the Persons by whom and the Places where the Nomination Papers herein-after mentioned are to be received, and the last Day on which they are to be sent, the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting up of the Votes; and he shall also cause such Notice to be affixed on such Places in the Parts for which the Election is to be held as are ordinarily made use of for affixing thereon public Notices: Provided always, that whenever the Day appointed for the Performance of any Act in relation to any such Election shall be on a Sunday, Christmas Day, or Good Friday, or any Day appointed for public Fast or Thanksgiving, such Act shall be performed on the Day next following. 10 15

Nomination
and Election
of Candi-
dates.

XXVII. And be it enacted, That any Person entitled to vote may nominate for the Office of Member of the Local Board of Health himself (if qualified to be elected), or any other Person or Persons so qualified (not exceeding the Number of Persons to be elected); and every such Nomination shall be in Writing, and shall state the Names, Residence, Calling, or Quality of the Persons nominated, and shall be signed by the Party nominating, and be sent to the said Chairman; and if the Number of Persons nominated shall be the same or less than the Number of Persons to be elected, such Persons (if duly qualified) shall be deemed to be elected, and shall be certified accordingly by the said Chairman under his Hand; but if the Number so nominated exceed the Number to be elected, the said Chairman shall cause Voting Papers, in the Form contained in the Schedule (A.) to this Act annexed, to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in the Order in which the Nomination Papers were received, but it shall not be necessary to insert more than once the Name of any Person nominated; and the said Chairman shall, *Three* Days before the Day of Election, cause One of such Voting Papers to be delivered by the Persons appointed for that Purpose to the Address in the Parts for which the Election is to be held of each Owner and Proxy, and at the Residence of each Rate-payer entitled to vote therein: Provided always, that if any Person put in nomination shall tender to the Officer conducting the Election his Refusal in Writing to serve as a Member of the Local Board of Health, and if in consequence of such Refusal the Number of Persons nominated shall be the same as or less than the Number of Persons to be elected, all or so many of 20 25 30 35 40

of the remaining Candidates as shall be duly qualified shall be deemed to be elected, and shall be certified as such by the Chairman under his Hand.

*Election of
Local Boards.*

XXVIII. And be it enacted, That each Voter shall write his Initials
5 in the Voting Paper delivered to him against the Name or Names
of the Person or Persons (not exceeding the Number of Persons to
be elected) for whom he intends to vote, and shall sign such Voting
Paper; and when any Person votes as a Proxy he shall in like Man-
ner write his own Initials, and sign his own Name, and state also in
10 Writing the Name of the Corporation, Company, or Body of Pro-
prietors or Undertakers for which he is Proxy: Provided always,
that if any Voter cannot write he shall affix his Mark at the Foot
of the Voting Paper in the Presence of a Witness, who shall attest
and write the Name of the Voter against the same, as well as the
15 Initials of such Voter against the Name of every Candidate for whom
the Voter intends to vote.

Mode of
voting.

XXIX. And be it enacted, That the said Chairman shall cause the
Voting Papers to be collected on the Day of Election by the Persons
appointed or employed for the Purpose in such Manner as he shall
20 direct; but no Voting Paper shall be received or admitted unless the
same have been delivered at the Address or Residence as aforesaid
of the Voter within the Parts for which the Election is had, nor
unless the same be collected by the Persons appointed or employed
for that Purpose, except as next herein-after provided: Provided
25 always, that if any Person qualified to vote shall not have received a
Voting Paper as aforesaid, he shall, on Application before that Day
to the said Chairman, be entitled to receive a Voting Paper from him,
and to fill up the same in his Presence, and then and there to deliver
the same to him: Provided also, that in case any Voting Paper duly
30 delivered shall not have been collected, through the Default of the
said Chairman, or the Persons appointed or employed to receive the
same, the Voter in Person may deliver the same to the said Chairman
before Twelve o'Clock at Noon on the Day, or the first Day, (as the
Case may be,) appointed for the Examination and casting-up of the
35 Votes.

Regulations
as to Collec-
tion of Vot-
ing Papers

XXX. And be it enacted, That the Chairman shall, on the Day
immediately following the Day of the Election, and on as many Days
immediately succeeding as may be necessary, attend at the Office of
the Local Board of Health, and ascertain the Validity of the Votes,
40 by an Examination of the Rate Books and such other Books and
Documents as he may think necessary, and by examining such Per-
sons as he may see fit; and he shall cast up such of the Votes as he
198. F shall

Regulations
as to Exami-
nation of
Votes and
Elections
of Local
Boards.

*Election of
Local Boards.*

Notices to
be sent to
Persons
elected.

List of Per-
sons elected,
&c. to be
transmitted
to Local
Boards, who
shall deposit
the same,
which shall
be open to
Inspection.

shall find to be valid, and to have been duly given, collected, or received, and ascertain the Number of such Votes for each Candidate ; and the Candidates to the Number to be elected who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be elected, and shall be certified as such by the said 5 Chairman under his Hand ; and to each Person so elected the said Chairman shall send or deliver Notice of such Election ; and the said Chairman shall also cause to be made a List containing the Names of the Candidates, together with (in case of a Contest) the Number of Votes given for each, and the Names of the Persons elected, and 10 shall sign and certify the same, and shall deliver such List, together with the Nomination and Voting Paper which he shall have received, to the Local Board of Health at their first or next Meeting (as the Case may be), who shall cause the same to be deposited in their Office, and the same shall, during Office Hours thereat, be kept open 15 to public Inspection, together with all other Documents relating to the Election, for *Six Months* after the Election shall have taken place, without Fee or Reward ; and the said Chairman shall cause such List to be printed, and Copies thereof to be affixed at the usual Places for affixing Notices of Parochial Business within the Parts for which the 20 Election shall have been made.

Penalty
upon Persons
conducting
Elections
neglecting to
comply with
Provisions of
this Act.

XXXI. And be it enacted, That if the said Chairman or other Person charged with taking, collecting, or returning the Votes at any such Election as aforesaid shall neglect or refuse to comply with any of the Provisions of this Act in that Behalf, he shall be liable 25 for every such Offence to a Penalty not exceeding *Fifty Pounds* ; and any Person employed for the Purposes of any such Election, by or under the said Chairman or other Person charged as aforesaid, who shall be guilty of any such Neglect or Refusal, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*. 30

Defects in
Election, &c.
not to in-
validate Pro-
ceedings.

XXXII. And be it enacted, That all Proceedings of the Local Board of Health, and of any Person acting as Member or under the Authority thereof, shall, notwithstanding any Defect in the Selection or Election of such Board or any Member thereof, be as valid and effectual as if no such Defect had ever existed. 35

Expenses of
Elections to
be defrayed
out of Ge-
neral District
Rates.

XXXIII. And be it enacted, That the necessary Expenses attendant upon any such Election as aforesaid, and such reasonable Remuneration to Returning Officers and other Persons for Services performed or Expenses incurred by them in relation thereto as shall from Time to Time be allowed by the Local Board of Health in that Behalf, 40 shall be paid out of the General District Rates to be levied under this Act.

XXXIV. And

XXXIV. And be it declared and enacted, That whenever by any such Provisional Order as aforesaid the Commissioners or Trustees acting under any Act of Parliament are constituted the Local Board of Health under this Act, such Commissioners or Trustees shall, within and for the District to which such Provisional Order applies, exercise and execute the Powers, Authorities, and Duties vested in or imposed on the Local Board of Health by this Act, and so much of this Act as relates to the Appointment, Election, or Selection of Local Boards of Health shall not apply to such District.

*Election of
Local Boards.*

With respect to the Execution of the Act by Commissioners under Local Acts in other Cases.

10

XXXV. And be it enacted, That if, after the Application of this Act to any District, the Parts constituting the District shall afterwards become or be entirely comprised within the Limits of a Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall from and after such Day as shall have been specified in the Charter of Incorporation in this Behalf be, by the Council of the Borough, the Local Board of Health within and for such District; and in case any Day shall have been so specified, but not otherwise, the Powers, Authorities, Duties, Property, and Liabilities of any other Persons as such Local Board shall from and after that Day absolutely cease and determine, and be vested in such Mayor, Aldermen, and Burgesses, as fully to all Intents and Purposes as if they had always been the Local Board of Health from the Time when the District was originally constituted: Provided nevertheless, that in such Case where such Corporate Borough shall be subject to the Provisions of the aforesaid Act of the Ninth Year of King George the Fourth, the Town Commissioners acting therein in the Execution of the said Act shall be the Local Board of Health under this Act, instead of the Mayor, Aldermen, and Burgesses.

Local Board of Health, in case of a District afterwards becoming a Corporate Borough.

XXXVI. And be it enacted, That the Local Board of Health of every Noncorporate District shall hold an annual Meeting and other Meetings for the Transaction of Business under this Act once at least in each Month, and at such other Times as may be necessary for properly executing its Powers and Duties under this Act, and shall from Time to Time make Bye Laws with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by such Board under this Act: Provided always, that no Business shall be transacted at any such Meeting unless at least *One Third* of the full Number of Members be present thereat; and all Questions shall be decided by a Majority of Votes; and the Names of the Members present, as well as of those voting upon each Question, shall be recorded; and the said Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their annual Meeting,

*Meetings, &c. of
Local Boards.*

Meetings of Local Boards of Noncorporate Districts, and Regulation of Business, &c.

*Election of
Local Boards.*

Meeting, appoint One of their Number to be Chairman for One Year at all Meetings at which he is present ; and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same the Members present shall appoint One of their Number to act as Chairman thereat ; and in case the Chairman appointed as first 5 aforesaid die, resign, or become incapable of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to continue in Office, and no longer ; and the Chairman at any Meeting shall have a Second or casting Vote in case of an Equality 10 of Votes.

*Local Boards
to provide
Offices for
transacting
Business,
and cause a
Seal to be
made.*

XXXVII. And be it enacted, That the Local Board of Health shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business and that of their Officers and Servants under this Act, and (in the Case of a Noncorporate District) 15 shall cause to be made a Seal for the Use of such Board in the Execution of this Act ; and Documents or Copies of Documents purporting to proceed from the said Local Board, and to be signed by any *Five* or more Members thereof, and to be sealed or stamped with such Seal, or (in the Case of a Corporate District) to be sealed 20 with the Common Seal, shall be received as *prima facie* Evidence in all Courts and Places whatsoever.

*Committees
may be ap-
pointed.*

XXXVIII. And be it enacted, That the Local Board of Health may from Time to Time appoint out of their own Number so many Persons as they may think fit, for any Purposes which in the Opinion of 25 the said Local Board would be better regulated and managed by means of a Committee : Provided always, that the Acts of every such Committee shall be submitted to the said Local Board for their Approval.

*Local Officers.**Power to
Local Boards
to appoint
Surveyor,
Inspector of
Nuisances,
Clerk, Treas-
urer, &c.*

XXXIX. And with respect to local Officers, be it enacted, 30 That the Local Board of Health shall from Time to Time appoint a fit and proper Person to be both Surveyor and Inspector of Nuisances, and a proper Person to be Clerk for the Purposes of this Act, and shall appoint or employ Collectors and such other Officers and Servants as the Commissioners of Health may approve, and as may be 35 necessary and proper for the efficient Execution of this Act, and shall make Bye Laws for regulating the Duties and Conduct of the several Officers and Servants so appointed or employed ; and the said Local Board may pay, out of the General District Rates to be levied under this Act, to such Officers and Servants, such reasonable Salaries, 40 Wages, or Allowances as the said Local Board may think proper, not exceeding the respective Amounts which the said Commissioners shall sanction

- sanction and approve; and every such Officer and Servant shall be removable by the said Local Board at their Pleasure, subject, nevertheless, in the Case of the Removal of the Surveyor, to the Approval of the Commissioners of Health: Provided always, that the same
- 5 Person shall be both Surveyor and Inspector of Nuisances; but neither the Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of
- 10 Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and whosoever offends in any of the Cases enumerated in this Proviso shall forfeit and pay the Sum of *One hundred Pounds*, which may be recovered
- 15 by any Person, with full Costs of Suit, by Action of Debt: Provided also, that it shall be lawful for the Local Board of Health, instead of appointing a Treasurer, to appoint any public Bank to act instead and in the Capacity of a Treasurer, and thereupon the Monies of such Board shall be lodged in such Bank, and may be drawn therefrom by
- 20 Drafts signed by the Chairman for the Time being and any Two other Members of such Local Board: Provided also, that in any Case in which only a Part of this Act shall be applied to any District such Officers only shall be appointed as shall be prescribed by the Order in Council or Provisional Order, as the Case may be, or by any
- 25 Supplemental or Amended Order relating to such Case and District: Provided also, that when there shall be only a summary limited Application of this Act to a District under the Provisions with respect to the summary limited Application of this Act herein-before contained, the same Person shall for such District officiate as Surveyor and
- 30 Inspector of Nuisances, and also as Clerk.

Local Officers.

Same Person to be Surveyor and Inspector of Nuisances, but not Clerk and Treasurer.

A Bank may be appointed to act instead of a Treasurer.

Where Part only of Act applied, no Officers to be appointed but those prescribed by the Order in Council, &c.

Where there is only a summary limited Application of Act, the same Person to be Inspector of Nuisances, and Clerk.

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.

- XL. And be it enacted, That no Officer or Servant appointed or employed by or under the Local Board of Health shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or
- 35 Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall forfeit and pay the Sum
- 40 of *Fifty Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

- XLI. And be it enacted, That before any such Officer or Servant enters upon any Office or Employment under this Act by reason
198. G whereof Officers, &c. intrusted with Money

Local Officers
to give Se-
curity, and
to account.

Summary
Proceedings
to be taken
in case of
failing to
account, &c.

whereof he will or may be intrusted with the Custody or Control of Money, the Local Board of Health by whom he is appointed shall require and take from him sufficient Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof; and every 5 such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within *Seven Days* after he shall have received any Monies on account of such Rates, pay over the same to the Treasurer or District Bank as aforesaid, as the Case may be, and shall, as and when the said Local Board may direct, deliver a 10 List, signed by him, containing the Names of all Persons who have neglected or refused to pay any such Rate, and the Sums respectively due from them; and every Officer and Servant appointed or employed by or acting under the said Local Board shall respectively, when and in such Manner as shall be required by such Board, make 15 out and deliver to them a true and perfect Account in Writing of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to 20 the Treasurer or such District Bank all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of *Five Days* after 25 being thereunto required he fail to deliver up to the said Local Board all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to such Board, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party 30 charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left his last known Place of Abode or Business, and if it appear to the last-mentioned Justices 35 that he has failed to render any such Accounts, or to produce and deliver up any such Vouchers or Receipts, or any such Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, they may, by Warrant under their Hands and Seals, commit the Offender to Gaol, there to remain, 40 without Bail, until he shall have rendered such Accounts, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails 45

or

or refuses so to do, the last-mentioned Justices may, by a like Warrant, cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress commit him to Gaol, there to remain, without Bail, for a Period of *Three* Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing that the Party charged intends to abscond, such Justice may, without previous Summons, by Warrant under his Hand and Seal, cause him to be forthwith apprehended; and in such Case the said Party shall, within *Twenty-four* Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

- 20 XLII. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, appoint a fit and proper Person, being a legally qualified Medical Practitioner or a Member of the Medical Profession, to be and be called the Officer of Health, who shall be removable by the said Local Board, and shall perform such Duties as the said Central Board shall direct; and the same Person may be Officer of Health for Two or more Districts; and the Local Board or Boards of Health of the District or Districts respectively for which any such Officer is appointed may pay to him, out of the General District Rates to be levied under this Act, such Remuneration by way of annual Salary or otherwise as the said Local Board or Boards may by Order in Writing determine and appoint, and (in case of a joint Appointment for Two or more Districts) in such Proportions as the said Central Board may by Order in Writing determine and appoint: Provided always, that the Appointment and Removal of the Officer of Health, and also the Person to be appointed, and his Salary, shall be subject to the Approval of the said Central Board: Provided also, that no such Officer of Health shall be appointed in any District in which there shall be only a summary limited Application of this Act as aforesaid: Provided also, that in any District in which the Provisions of this Act shall be applied and be in force the Provisions of an Act of the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled "An Act to establish Regulations for preventing contagious Diseases in Ireland," shall not be put in force.

Local Officers.

Power to appoint an Officer of Health.

Not to be appointed where there is only a summary limited Application of Act. 59 G. 3. c. 41.

198.

And

*District Maps,
&c.*

And with respect to District Maps and Surveys, be it enacted as follows :

Map exhibit-
ing System
of Sewerage.

XLIII. The said Local Board of Health may, if they shall think fit, with the Approval of the Commissioners of Health, cause to be prepared, or procure, a Map exhibiting a System of Sewerage for 5 effectually draining their District for the Purposes of this Act, upon a Scale and subject to any Restrictions to be prescribed by the Commissioners of Health; and every such Map shall be kept at the Office of the said Local Board, and shall at all reasonable Times be open to the Inspection of the Rate-payers of the District to which it 10 applies.

Expense of
Surveys, &c.

XLIV. The Expense of Surveys, Maps, or Plans, made, prepared, or procured by the Local Board of Health for the Purposes of this Act, shall be defrayed out of the General District Rates to be levied under this Act.

15

Sewers.

And with respect to Sewers, be it enacted as follows :

Sewers, &c.
vested in
Local Board.

XLV. All Sewers, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers made by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers made and used for 20 the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, and Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,) together with all Buildings, Works, Materials, and Things belonging or appertaining thereto, shall vest 25 in, belong to, and be entirely under the Management and Control of the Local Board of Health.

Power to
purchase,
&c. certain
Sewers.

XLVI. The Local Board of Health may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any 30 Sewers within their District, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or other- 35 wise contract with the said Local Board; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Local Board of Health purchasing the 40 same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who pre-
viously

viously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not
5 been made.

Sewers.
shall

XLVII. The Local Board of Health shall from Time to Time repair the Sewers vested in them by this Act, and shall cause to be made such Sewers as may be necessary for effectually draining their District for the Purposes of this Act; and the said Local
10 Board may carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and, after reasonable Notice in Writing in that Behalf, (if upon the Report of the Surveyor
15 it should appear to be necessary,) into, through, or under any Lands whatsoever; and the said Local Board may from Time to Time enlarge, lessen, alter, arch over, or otherwise improve all or any of the Sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have
20 become unnecessary: Provided always, that the Discontinuance, closing up, or Destruction of any Sewer shall be so done as not to create a Nuisance; and if by reason thereof any Person is deprived of the lawful Use of any Sewer the said Local Board shall provide some other Sewer as effectual for his Use as the one of which he is
25 so deprived.

Making, Al-
teration, and
Discontinu-
ance of
Sewers
vested in
Local Board.

XLVIII. The Local Board of Health shall cause the Sewers vested in them by this Act to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing,
30 cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or to cause the Sewage and Refuse there-
35 from to be collected for Sale for any Purpose whatsoever, but so as not to create a Nuisance.

As to cleans-
ing and
emptying
Sewers, &c.
by Local
Board.

XLIX. It shall not be lawful to cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board of Health, nor to cause any Building to be newly erected
40 over any such last-mentioned Sewer, nor to cause any Vault, Arch, or Cellar to be newly built or constructed under the Carriageway of any Street, without the written Consent of the said Local Board

Penalty for
making un-
authorized
Sewers,
and building
over Sewers
and under
Streets.

Sewers.

first had and obtained; and whosoever offends against this Enactment shall forfeit to the said Local Board the Sum of *Five Pounds*, and a further Penalty of *Forty Shillings* for every Day during which the Offence is continued after Notice in Writing from them in this Behalf; and if any Sewer, Drain, Building, Vault, Arch, or Cellar 5 be made, erected, or constructed contrary to this Enactment the said Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in the summary Manner 10 herein-after provided.

Use of Sew-
ers by Per-
sons beyond
District.

L. Any Owner or Occupier of Premises adjoining or near to but beyond the Limits of any District may cause any Sewer or Drain of or from such Premises to communicate with any Sewer of the Local Board of Health, upon such Terms and Conditions as shall 15 be agreed upon between such Owner and Occupier and such Local Board, or, in case of Dispute, as shall be settled by Arbitration in the Manner provided by this Act.

Drains,
Privies, &c.

No new
House to be
built without
Drains, &c.

And with respect to Drains and Privies, be it enacted as follows :

LI. In any District to which the Provisions of this Act as to 20 Drains and Privies shall apply it shall not be lawful newly to erect any House, or to rebuild any House which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly erected or rebuilt, unless and until a covered Drain or Drains be constructed, of such Size and Materials, and at such 25 Level, and with such Fall as upon the Report of the Surveyor shall appear to be necessary and sufficient for the proper and effectual Drainage of the same and its Appurtenances; and if the Sea, or a Sewer of the Local Board of Health, or a Sewer which they are entitled to use, be within *One hundred Feet* of any Part of the Site of 30 the House to be built or rebuilt, the Drain or Drains so to be constructed shall lead from and communicate with such one of those Means of Drainage as the said Local Board shall direct, or if no such Means of Drainage be within that Distance, then the last-mentioned Drain or Drains shall communicate with and 35 be entered into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board shall direct; and whosoever erects or rebuilds any House or constructs any Drain contrary to this Enactment shall be liable for every such Offence to a Penalty not exceed- 40 ing *Twenty Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; and if at any Time, upon the Report of the Surveyor, it appear to the said Local Board that any House, 45 whether

Local Board
may, upon
Report of

whether built before or after the Time when this Act is applied to the District in which it is situate, is without any Drain, or without such a Drain or Drains communicating with the Sea or a Sewer as is or are sufficient for the proper and effectual Drainage of the same and its Appurtenances, and if the Sea, or a Sewer of the said Local Board, or a Sewer which they are entitled to use, be within *One hundred* Feet of any Part of such House they shall cause Notice in Writing to be given to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to construct and lay down, in connexion with such House and One of those Means of Drainage, One or more covered Drain or Drains, of such Materials and Size, at such Level, and with such Fall as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the said Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided.

*Drains,
Privies, &c.*

Surveyor that any House is without a Drain, cause one to be constructed, &c.

LII. It shall not be lawful newly to erect any House, or to rebuild any House pulled down to or below the Floor commonly called the Ground Floor, without a sufficient Water-closet or Privy and an Ashpit, furnished with proper Doors and Coverings; and whosoever offends against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time, upon the Report of the Surveyor, it appear to the Local Board of Health that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to provide a sufficient Watercloset or Privy and an Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with the said Local Board may, if they shall think fit, cause to be constructed a sufficient Watercloset or Privy and an Ashpit, or either of them, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided: Provided always, that where a Watercloset or Privy has been and is used in common by

198.

Penalty on Persons erecting Houses without Water-closets, &c. Local Board may, upon Report of Surveyor, order Water-closets, &c. to be erected in Houses, whether built before or after this Act is applied, &c.

*Drains,
Privies, &c.*

the Inmates of Two or more Houses, or if, in the Opinion of the said Local Board, a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

*Certain
Waterclo-
sets to be
constructed
in Factories,
&c.*

LIII. If at any Time it appear to the Local Board of Health, upon the Report of the Surveyor, that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above *Twenty* in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the said Local Board may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding *Twenty Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day during which the Default is continued.

*Notice of
building and
rebuilding,
with respect
to Levels of
Houses, Si-
tuation of
Privies, &c.*

LIV. *Fourteen* Days at the least before beginning to dig or lay out the Foundations of or for any new House, or to rebuild any House pulled down to the Extent aforesaid, the Person intending so to build or rebuild shall give to the Local Board of Health written Notice thereof, together with the Level or intended Level of the Cellars or lowest Floor, and the Situation and Construction of the Privies and Cesspools to be built, constructed, or used in connexion with such House; and it shall not be lawful to begin to build or rebuild any such House, or to build or construct any such Privy or Cesspool, until the Particulars so required to be stated have been approved by the said Local Board; and in default of such Notice, or if any such House, Privy, or Cesspool be built, rebuilt, or constructed as aforesaid without such Approval, or in any respect contrary to the Provisions of this Act, the Offender shall be liable to a Penalty not exceeding *Twenty Pounds*; and the said Local Board may, if they shall think fit, cause such House, Privy, or Cesspool to be altered, pulled down, or otherwise dealt with as the Case may require, and the Expenses incurred by them in so doing shall be repaid by the Offender, and be recoverable from him in the summary Manner herein-after provided: Provided always, that if the said Local Board fail to signify their Approval or Disapproval of the said Particulars for the Space of *Fourteen* Days after receiving such Notice, it shall be lawful to proceed according to such Notice, if the same be otherwise in accordance with the Provisions of this Act.

*Local Board
to provide
that Drains,*

LV. The Local Board of Health shall see and provide that all Drains whatsoever, and the Waterclosets, Privies, Cesspools, and

and Ashpits within their District, are constructed and kept so as not to be a Nuisance or injurious to Health; and the Surveyor may, by written Authority of the said Local Board (who are hereby empowered to grant such Authority, upon the written Application
 5 of any Person, showing that the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise), and after Twenty-four Hours Notice in Writing, or in case of Emergency without Notice, to the Occupier of the Premises to which such Drain, Watercloset,
 10 Privy, Cesspool, or Ashpit is attached or belongs, enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open such Drain, Watercloset, Privy, Cesspool, or Ashpit; and if the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which such Examination is made be found to be in proper
 15 Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the said Local Board; but if upon such Examination such Drain, Watercloset, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require
 20 Alteration or Amendment, he shall cause the Ground to be closed, and the said Local Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the
 25 necessary Works; and if such Notice be not complied with the Person to whom it is given shall be liable to a Penalty not exceeding *Ten Shillings* for every Day during which he continues to make default, and the said Local Board may, if they shall think fit, execute such Works, and the Expenses incurred by them in so doing shall be
 30 recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner hereinafter provided.

Drains, Privies, Waterclosets, &c. do not become a Nuisance.

And with respect to the Execution of minor Works by Boards
 35 of Guardians, be it enacted as follows:

LVI. If it shall appear to a Majority of not less than *Three Fifths* of the rated Inhabitants of any Parish, Townland, or Place containing less than *Two thousand* Inhabitants on the then last Census, in which this Act shall not have been applied by Order
 40 in Council or Provisional Order as aforesaid, assembled at a public Meeting to be called as is herein-after provided, that it would contribute to the Health and Convenience of the Inhabitants that any Pond, Pool, open Ditch, Sewer, Drain, or Place containing or used for the Collection of any Drainage, Filth, Water, Matter,
 198. I or

Execution of minor Works by Boards of Guardians, &c.

As to Construction of Sewers, Wells, Pumps, &c. for Parishes, &c. with less than 2,000 Inhabitants, and in which this Act is not otherwise applied.

*Execution of
minor Works by
Boards of
Guardians, &c.*

or Thing of an offensive Nature, or likely to be prejudicial to Health, should be drained, cleansed, covered, or filled up, or that a Sewer should be made or improved, a Well dug, or a Pump provided, for the public Use of the Inhabitants, it shall be lawful for the Board of Guardians of the Union in which such Parish, Townland, 5 or Place is situated to procure a Plan and an Estimate of the Cost of executing such Works or any of them, and to cause the same to be laid before another public Meeting of such Inhabitants rated to the Relief of the Poor, to be called as herein-after provided; and if the same shall be approved and sanctioned by a Majority of such rated 10 Inhabitants assembled at such last-mentioned Meeting it shall be lawful for such Board of Guardians to make a special separate Rate for such Purpose upon the Inhabitants of such Parish, Townland, or Place rated under the Acts for the more effectual Relief of the destitute Poor, in like Manner, so far as the Circumstances will admit, and sub- 15 ject to like Provisions, and with like Powers for the Recovery of the same, as by the said last-mentioned Acts provided as to Rates for the Relief of the destitute Poor, and to cause the Works in respect of which such Estimate shall have been made and sanctioned as aforesaid to be executed, and to pay the Cost thereof out of such special separate 20 Rate so to be made: Provided always, that Notice of every such Meeting shall be given by such Board of Guardians as is by this Act directed to be given by Superintending Inspectors before proceeding upon Inquiries previously to the Application of this Act, and every such Notice shall also contain a Statement of the Works proposed or in- 25 tended to be submitted for Consideration and Approval.

*Surface
Cleansing, &c.*

*Cleansing of
Streets,
Removal of
Dust, &c.*

And with respect to Surface Cleansing, be it enacted as follows:

LVII. The Local Board of Health shall from Time to Time and at all convenient Times provide that all Streets within their District, including the Foot Pavements thereof, are properly swept, cleansed, and 30 watered, and that all Dust, Ashes, Rubbish, Filth, Dung, and Soil thereon are collected and removed; and they may make Bye Laws with respect to the Removal by the Occupier, or (in case of his Default) by the said Local Board, of Dust, Ashes, Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any 35 House, Stable, Cowhouse, Street, or Place whatsoever, and for preventing the Deposit thereof in or by the Side of any Street, or so as to be a Nuisance to any Person, and with respect to the Times and Manner of cleansing and emptying Waterclosets, Privies, and Cesspools. 40

*Local Board
to cause
Places for
Deposit of*

LVIII. The Local Board of Health may, in their Discretion, provide, in proper and convenient Situations, Boxes or other Conveniences for the temporary Deposit and Collection of Dust, Ashes, and

and Rubbish, and also fit Buildings and Places for the Deposit of the Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected by such Board; and all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish so collected by the said Local Board, or in any
 5 Convenience provided as aforesaid, shall be vested in and be sold and disposed of by such Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned; and whosoever, without the Consent of the said Local Board, collects or removes any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish
 10 belonging to them, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

*Surface
Cleansing, &c.
Dust, Soil,
&c. to be
provided.*

LIX. The Local Board of Health may, if they think fit, provide and maintain, in proper and convenient Situations, Waterclosets, Privies, and other similar Conveniences for public Accommodation,
 15 and defray the necessary Expenses out of the District Rates to be levied under this Act.

Nuisances.

And with respect to Nuisances, be it enacted as follows :
 LX. The Local Board of Health shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all
 20 Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises
 25 whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge thereof; as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the said
 30 Local Board shall execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from him in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided: Provided always, that the said Local Board may order that
 35 the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the Special or General District Rates to be levied under this Act, and in case of any such Order the whole of such Portion of the Expenses as may
 40 be mentioned therein shall be defrayed and levied accordingly.

*Offensive
Ditches,
Drains, &c.
to be
cleansed or
covered.*

LXI. Whosoever keeps any Swine or Pigstye in any Dwelling House, or so as to be a Nuisance to any Person, or suffers any
 198. waste

*Penalties for
keeping
Swine, &c*

Nuisances.
in improper
Situations,
allowing
waste Water
to remain in
Cellars, &c.

Removal of
Filth, on Cer-
tificate of
Inspector of
Nuisances.

waste or stagnant Water to remain in any Cellar or Place within any Dwelling House for Twenty-four Hours after written Notice to him from the Local Board of Health to remove the same, and whosoever allows the Contents of any Watercloset, Privy, or Cess-pool to overflow or soak therefrom, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*, and to a further Penalty of *Five Shillings* for every Day during which the Offence is continued; and the said Local Board shall abate or cause to be abated every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Occupier of the Premises upon which the same exists, and be recoverable from him in the summary Manner herein-after provided; and if at any Time it appear to the Inspector of Nuisances that any Accumulation of Manure, Dung, Soil, or Filth, or other offensive or noxious Matter whatsoever, ought to be removed, he shall give Notice to the Person to whom the same belongs, or to the Occupier of the Premises whereon it exists, to remove the same; and if at the Expiration of *Twenty-four* Hours after such Notice the same be not complied with, the Manure, Dung, Soil, or Filth, or Matter referred to, shall be vested in and be sold or disposed of by the said Local Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned.

Houses to be
purified, on
Certificate of
Officer of
Health, or
of Two Me-
dical Prac-
titioners.

LXII. If upon the Certificate of the Officer of Health (if any), or of any Two Medical Practitioners, it appear to the Local Board of Health that any House or Part thereof is in such a filthy or unwholesome Condition that the Health of any Person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any House or Part thereof would tend to prevent or check infectious or contagious Disease, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House or Part thereof to whitewash, cleanse, or purify the same, as the Case may require; and if the Person to whom Notice is so given fail to comply therewith within such Time as shall be specified in the said Notice, he shall be liable to a Penalty not exceeding *Ten Shillings* for every Day during which he continues to make default; and the said Local Board may, if they shall think fit, cause such House, Building, or Part thereof to be whitewashed, cleansed, or purified, and the Expenses incurred by them in so doing shall be repaid by the Owner or Occupier in default, and be recoverable from either of them in the summary Manner herein-after provided.

*Slaughter-
houses, &c.*

Slaughter-
houses to be
registered.

And with respect to Slaughter-houses and offensive Trades, be it enacted as follows:

LXIII. Every Building or Place used as a Slaughterhouse shall, within Three Months after this Act is applied to the District in which

which it is situate, or, in the Case of a Building or Place newly used as a Slaughter-house after that Time, within Three Months after the Commencement of such User, be registered by the Owner or Occupier thereof at the Office of the said Local Board, in a Book which shall be kept by such Board for that Purpose; and whosoever uses or suffers to be used any Building or Place as a Slaughter-house without its being registered as required by this Act shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Ten Shillings* for every Day during the Continuance of the Offence after written Notice thereof from the said Local Board.

Slaughter-houses, &c.

LXIV. The Local Board of Health may from Time to Time, if they shall think fit, provide Premises for the Purpose of being used as Slaughter-houses; and they shall make Bye Laws for and with respect to the Management and Charges for the Use of the Premises so provided, and with respect to the Inspection of all Slaughter-houses, and for keeping the same in a cleanly and proper State: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated by any Local Act of Parliament passed before the passing of this Act for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Borough, or Place.

Local Board may provide Slaughter-houses, and make Bye Laws with respect to Slaughter-houses in general.

LXV. The Inspector of Nuisances may and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butcher's Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to a Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding *Ten Pounds* for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, which Penalty may be recovered before Two Justices in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for.

Power to Inspector of Nuisances to enter Places used for Sale of Butcher's Meat, &c.

Slaughter-houses, &c.

Offensive Trades newly established to be subject to Regulation of Local Board of Health.

LXVI. The Business of a Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place, after this Act is applied to the District in which such Building or Place is situate, without the Consent of the Local Board of Health, unless the said Commissioners of Health shall otherwise direct; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of *Twenty Pounds*, and a further Penalty of *Forty Shillings* for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Bye Laws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Act not to affect present Law as to Nuisances.

LXVII. And be it declared and enacted, That nothing in this Act shall be construed to render lawful any Act, Matter, or Thing whatsoever which but for this Act would be deemed to be a Nuisance, nor to exempt any Person from any Liability, Prosecution, or Punishment to which he would have been otherwise subject in respect thereof.

Lodging Houses.

Common Lodging Houses to be registered.

And with respect to Lodging Houses, be it enacted as follows :

LXVIII. It shall not be lawful to keep any common Lodging House unless the same be registered as next herein-after mentioned; and the Local Board of Health shall cause a Register to be kept, in which shall be entered the Name of every Person applying to register any common Lodging House kept by him, and the Situation of every such House; and the said Local Board shall from Time to Time make Bye Laws, for fixing the Number of Lodgers who may be received into each House so registered, for promoting Cleanliness and Ventilation therein, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the Person keeping any such Lodging House shall give Access to the same when required by any Persons who shall produce the written Authority of the said Local Board in this Behalf, for the Purpose of inspecting the same, or for introducing or using therein any disinfecting Process, and the Expenses incurred by the said Local Board in so introducing or using any disinfecting Process shall be recoverable by them in a summary Manner from the Person keeping the Lodging House in which the same shall have been used or introduced; and whosoever shall receive Lodgers in any common Lodging House without having registered the same as required by this Act, or shall refuse to admit therein, at any Time between the Hour of Eleven in the Forenoon and the Hour of Four in the Afternoon, any Person authorized

Penalty on Neglect.

authorized by the said Local Board as last aforesaid, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*. *Lodging Houses.*

And with respect to the Occupation of Cellars, be it enacted as follows : *Occupation of Cellars, &c.*

- 5 LXIX. It shall not be lawful in a District under this Act to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let, or
- 10 to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room whatsoever, unless the same be in every Part thereof at least *Seven Feet* in Height, measured from the Floor to the Ceiling thereof, nor unless the same be at least *Three Feet* of its Height above the Surface of the Street or Ground
- 15 adjoining or nearest the same, nor unless there be outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from *Six Inches* below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least *Two Feet and Six Inches*
- 20 wide in every Part, nor unless the same be well and effectually drained by means of a Drain the uppermost Part of which is *One Foot* at least below the Level of the Floor of such Vault, Cellar, or Room, nor unless there be appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy and an Ashpit, furnished with
- 25 proper Doors and Coverings, kept and provided according to the Provisions of this Act, nor unless the same have a Fireplace with a proper Chimney or Flue, nor unless the same have an external Window of at least *Nine Superficial Feet* in Area clear of the Sash Frame, and made to open in such Manner as shall be approved by the Surveyor, except in the
- 30 Case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as Part of the same Letting or Occupation, in which Case the external Window may be of any Dimensions, not being less than *Four Superficial Feet* in Area clear of the Sash Frame; and whosoever lets, occupies, or continues to let, or knowingly
- 35 suffers to be occupied, for Hire or Rent, any Vault, Cellar, or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board of Health in this Behalf: Provided
- 40 always, that in any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same be so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room, a clear

*Occupation of
Cellars, &c.*

Act not to
come into
operation
until the
Expiration
of a certain
Time, in case
of Cellars,
&c. already
occupied as
Dwellings.

Church-
wardens, &c.
to give
Notice of
Enactment.

clear Space of *Six* Inches at the least, and that over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window: Provided also, that every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act: Provided also, that the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which shall have been let or occupied as Dwellings before the passing of this Act, come into force or operation until the Expiration of *One* Year from the passing of this Act, nor within any District until the Expiration of *Six* Months from the Time when this Act shall have been applied thereto; and all Churchwardens and Boards of Guardians of the Poor shall from Time to Time after the Application of this Act to a District cause public Notice of the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms in such District to be given in such Manner as may appear to them to be best calculated to make the same generally known. 20

*Construction of
Dwelling Houses.*

Houses
newly built
or rebuilt in
Districts
under this
Act to be
provided
with Chim-
nies and
moveable
Sash Win-
dows, and
Floors not
under the
Level of the
Ground.

And with respect to the Construction of Dwelling Houses, be it enacted as follows:

LXX. It shall not be lawful in a District under this Act newly to erect any Dwelling House, or to rebuild any Dwelling House which may have been pulled down to or below the Roof of the Floor commonly called the Ground Floor or Street Floor, or for the Owner of any House so newly erected or rebuilt to permit the same or any Part thereof to be occupied as a Dwelling, unless such House be provided with a sufficient Chimney, built of Stone and Mortar or of Brick and Mortar, and unless each Room built for a Dwelling or occupied for a Dwelling in such House so newly erected or rebuilt be provided with a sufficient external Window, with a moveable Sash for the Admission of Air, and unless the lowest Floor of such House (when such House is only One Story in Height) is on a Level with or on a higher Level than the adjoining Street, Ground, or Place where the same is built; and whoever so erects or rebuilds any Dwelling House contrary to this Enactment shall be liable for every such Offence to a Penalty not exceeding *Ten Pounds*; and whoever, being such Owner as aforesaid, permits or allows any House so newly erected or rebuilt, or any Part thereof, to be occupied as a Dwelling, contrary to this Enactment, shall be liable to a Penalty not exceeding *Ten Shillings* for every Week such Owner so permits or allows such House or any Part thereof to be so occupied as a Dwelling. 40

And

And with respect to the Management of Streets, be it enacted as follows :

Management of Streets.

- LXXI. All present and future Streets, being or which at any Time become Highways within any District, and the Pavements, 5 Stones, and other Materials thereof, and all Buildings, Implements, and other Things provided for the Purposes thereof by any Surveyor of Highways, or by any Person serving the Office or in the Capacity of Surveyor or Manager of Highways or Streets, shall vest in and be under the Management and Control of the said Local Board of 10 Health; and the said Local Board shall from Time to Time cause all such Streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when Occasion may require, and they may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they may think fit, and place and keep in 15 repair Fences and Posts for the Safety of Foot Passengers; and who-soever wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any such Street, without the Consent of the said Local Board, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, and a further Sum not 20 exceeding *Five Shillings* for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Management of Streets vested in Local Board.

- LXXII. In case any present or future Street, or any Part thereof, (not being a Highway,) be not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, 25 such Board may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same within a Time to be specified in such Notice; 30 and if such Notice be not complied with the said Local Board may, if they shall think fit, execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by 35 the Surveyor, or in case of Dispute as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private 40 Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Power to compel paving, &c. of private Streets.

- LXXIII. If any present or future Street, not being a Highway at the Time when this Act is applied to the District in which it 198. L is

Certain Streets not Highways to

be deemed
such, and
repaired by
Local Board.

is situate, be sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, the said Local Board may, if they shall think fit, by Notice in Writing put up in any Part of the Street, declare the same to be a Highway, and thereupon the same shall become a Highway, and be from 5 Time to Time repaired by them out of the Rates levied in that Behalf under the Authority of this Act; and every such Notice shall be entered amongst the Proceedings of the said Local Board: Provided always, that no Street shall become a Highway as last aforesaid if within One Month after Notice in Writing 10 shall have been put up as last aforesaid the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall by Notice in Writing to the said Local Board object thereto.

Power to
require Gas
and Water
Pipes to be
moved.

LXXIV. If and when for the Purposes of this Act the Local 15 Board of Health deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the 20 Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act; and if such Notice be not complied with the said Local Board may 25 make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual: Provided also, that where under any Local Act of Parliament the Expenses attendant 30 upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue, in the same Manner and under the same 35 Conditions in all respects as if this Act had not been passed.

Notice to be
given to
Local Board
before lay-
ing out new
Streets, who
shall fix the
Levels and
Widths
thereof.

LXXV. *One Month* at the least before any Street is newly laid out as aforesaid written Notice shall be given to the Local Board of Health, showing the intended Level and Width thereof; and the Level and Width of every such Street shall be fixed by the said 40 Local Board, and it shall not be lawful to lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width so fixed, unless, upon Disapproval by the said Local Board of

of the Level or Width specified in such Notice, the Commissioners of Health shall otherwise direct; and whosoever shall lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width fixed by the said Local Board, or approved by the
 5 said Commissioners of Health, shall be liable for every such Offence to a Penalty not exceeding *Twenty Pounds* for every Day during which he shall permit or suffer such Street to continue to be so improperly laid out, made, or built upon; and the said Local Board may, if they shall think fit, cause any such Street laid out or made at a Level or
 10 Width otherwise than in accordance with the Level and Width so fixed or approved as aforesaid, or any Building built in any such Street otherwise than in accordance with such Level and Width, to be altered in such Manner as the Case may require, and the Expenses incurred by them in so doing shall be repaid to them by the Offender,
 15 and be recoverable from him in a summary Manner: Provided always, that if no such Level or Width be fixed, and no Approval or Disapproval of the Level or Width proposed be signified by the said Local Board within *One Month* from the last-mentioned Notice, the intended Street may be laid out and made upon the Level and of the Width
 20 specified in such Notice, if the same be otherwise in accordance with the other Provisions of this Act.

Management of Streets.

LXXVI. The said Local Board may, with the Approval of the Commissioners of Health, by Agreement, purchase any Premises for the Purpose of widening, opening, enlarging, or otherwise improving
 25 any Street; and any Part of the Premises so purchased which shall not be wanted for that Purpose shall be resold at the best Price that can be gotten for the same, and the Proceeds of such Resale shall be carried to the District Fund Account herein-after mentioned.

Local Board may purchase Premises in order to improve Streets.

And with respect to the lighting of Streets, be it enacted as
 30 follows:

Lighting of Streets.

LXXVII. The Local Board constituted under this Act may, with the Consent of the Commissioners of Health, contract for any Period not exceeding *Three Years* at any One Time with any Company or Person for the Supply of Gas or Oil, or other Means of lighting the
 35 Streets, Roads, and other open Places, Markets, and public Buildings within their respective Districts, and may provide such Lamps, Lamp Posts, and other Works as such Local Board respectively may think necessary for lighting the same; and the Expenses incurred by any such Local Board in so doing shall be defrayed out of the general or
 40 special District Rates (as the Nature of the Case may require) levied under this Act.

Local Board of Health may contract for lighting.

*Public Pleasure
Grounds.*

And with respect to public Pleasure Grounds, be it enacted as follows :

Local Board
may provide
Places of
public Re-
creation, &c.

LXXVIII. The Local Board of Health, with the Approval of the said Commissioners of Health, may provide, maintain, lay out, plant, and improve Premises, for the Purpose of being used as public Walks 5 or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

*General
Supply of Water.*

And with respect to the general Supply of Water, be it enacted as follows :

Local Board
to provide
sufficient
Supplies of
Water, and
may erect
Waterworks,
&c.

LXXIX. The Local Board of Health may provide their District 10 with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the said Local Board may from Time to Time, with the Approval of the Commissioners of Health, contract with any Person whomsoever, or purchase, take upon 15 Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper; and any Waterworks Company may contract with the Local Board of Health to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their 20 Waterworks to any Local Board of Health willing to take the same; and the said Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the 25 top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said Local Board shall give Notice in 30 Writing to every Waterworks Company within whose Limits the said Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said Local Board; and it shall not be lawful for the said Local Board to construct or lay down any Water- 35 works within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the said Local Board, and upon such Terms as shall be certified to be reasonable by the Commissioners of Health, after Inquiry and Report by a Superintend- 40 ing Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Com-
pany

In case of
Waterworks
constructed
by Local
Board, the
Water may
be kept con-
stantly under
Pressure.

Local Board
not to con-
struct Water-
works, &c. if
any Water-
works Com-
pany within
their District
be able and
willing to
supply Water
upon Terms.

pany is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the said Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.

General Supply of Water.

LXXX. If upon the Report of the Surveyor it appear to the Local Board of Health that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding *Two-pence* per Week, the said Local Board shall give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said Local Board may, if they shall think fit, do such Works and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not exceeding in the whole the Rate of *Two-pence* per Week, in manner herein-after provided, as if the Owner or Occupier of the Premises had demanded a Supply of Water, and were willing to pay Water Rates for the same; and the Expenses incurred by them in doing such Works as last aforesaid shall be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Local Board may require that Houses be supplied with Water, &c. in certain Cases.

LXXXI. The Local Board of Health may, if they shall think fit, supply Water from any Waterworks purchased or constructed by them under this Act to any public Baths or Washhouses, or for trading or manufacturing Purposes, upon such Terms and Conditions as may be agreed upon between the said Local Board and the Persons desirous of being so supplied.

Water for public Baths, or trading or manufacturing Purposes.

LXXXII. The Local Board of Health may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, or they may substitute, continue, maintain, and plentifully supply with Water other such Works equally convenient; and the said Local Board may, if they shall think fit, construct any Number of new Cisterns, Pumps, Wells, Conduits, and Works for the gratuitous Supply of any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Poor or Borough Rates.

Maintenance and Construction of public Cisterns for gratuitous Use.

LXXXIII. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Local Board of Health, or constructed, continued, or maintained under this Act, in

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

General
Supply of Water.

any Parish or Place in which there shall be no Local Board of Health, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the said Local Board, or so constructed, continued, or maintained in any such Parish or Place, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the said Local Board, shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Penalty of *Twenty Shillings* for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Board of Guardians of the Union, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on
Persons for
causing
Water in
Reservoirs
to be fouled;

LXXXIV. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Local Board of Health, or in any Reservoir, Conduit, Aqueduct, or other Waterworks constructed, continued, or maintained under this Act in any Parish or Place in which there shall be no Local Board of Health, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the said Local Board or under their Management or Control, or whereby any Water of or contained in any such Reservoir, Conduit, Aqueduct, or other Waterworks so constructed, continued, or maintained in any such Parish or Place as aforesaid shall be fouled, shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Sum of *Twenty Shillings* for each Day whilst the Offence is continued after written Notice in that Behalf; which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Board of Guardians of the Union, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir,

and on Pro-
prietors of
Gasworks,
&c.

Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the said Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, 5 or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the said Local Board for every such Offence the Sum of *Two hundred Pounds*, and, after the Expiration of *Twenty-four* Hours Notice in Writing from 10 them in this Behalf, a further Sum of *Twenty Pounds* for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if 15 any Water supplied by, belonging to, or under the Management or Control of the said Local Board, be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Local Board for every such Offence a Sum not exceeding *Twenty Pounds*, and a further Sum not exceeding *Ten Pounds* for every Day whilst the Offence is continued after the Expiration of 20 *Twenty-four* Hours Notice in Writing from the said Local Board in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the said Local Board may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided 25 that before beginning so to do *Twenty-four* Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled 30 by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but 35 if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the said Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.

*General
Supply of Water.*

40 And with respect to the Supply of Water by Pumps or Wells only, be it enacted as follows :

*Supply of
Water by Pumps
or Wells only.*

LXXXV. The Local Board may cause any existing Pumps or Wells used for the gratuitous Supply of Water to the Inhabitants to be maintained and continued, and may, if they shall think it fit and 198. necessary,

Local Board
may con-
struct or
maintain
Pumps or

Wells for
gratuitous
Supply.

necessary, construct any new Pumps or Wells for the like gratuitous Supply of Water to the Inhabitants.

*Reception
Houses for the
Dead.*

And with respect to Reception Houses for the Dead, be it enacted as follows :

Power to
provide
Premises for
the Reception
of the
Dead pre-
viously to
Interment.

LXXXVI. For the Purpose of preventing the manifold Evils 5
occasioned by the Retention of the Dead in the Dwellings of the
Poor, the Local Board of Health, in Cases of epidemic or contagious
Diseases prevailing in their District, may, with the Approbation of the
Commissioners of Health, and for such limited Period as the said Com-
missioners shall approve, if they shall think fit, provide, fit up, and 10
make Bye Laws with respect to the Management and Charges for the
Use of Rooms or Premises in which Corpses may be received and
decently and carefully kept previously to Interment; and the said
Local Board may, upon proper Application, and subject to such Regu-
lations and at such Rates and Charges as shall be prescribed by any 15
such Bye Laws, make all necessary Arrangements for the decent
and economical Interment of any Corpse which may have been
received into any Rooms or Premises so provided in pursuance of this
Enactment.

Burial Grounds.

And with respect to Burial Grounds, be it enacted as follows : 20

Burial
Grounds, &c.
dangerous
to Health
may be pro-
hibited.

LXXXVII. If upon the Representation of the Local Board of
Health, and after Inquiry and Report by a Superintending Inspector,
notified to the Lord Bishop of the Diocese, and made, notified, and
published in manner herein-before directed with respect to the Inquiry
and Report of Superintending Inspectors previously to the Constitution 25
of a District under this Act, and after Inquiry by such other Ways and
Means as the Commissioners of Health may think fit to direct, the said
Commissioners shall certify (such Certificate to be published in the
Dublin Gazette, and in some One or more of the public Newspapers
usually circulated within the District) that any Burial Ground situate 30
within any District to which this Act is applied is in such a State as to
be dangerous to the Health of Persons living in the Neighbourhood
thereof, or that any Church or other Place of Public Worship within
any such District is dangerous to the Health of Persons frequenting
the same, by reason of the surcharged State of the Vaults or Graves 35
within the Walls of or underneath the same, and that sufficient Means
of Interment exist within a convenient Distance from such Burial
Ground, Church, or Place of Public Worship, it shall not be lawful,
after a Time to be named in such Certificate, to bury or permit or
suffer to be buried any further Corpses or Coffins in, within, or under 40
the Ground, Church, or Place of Worship to which the Certificate
relates, except in so far as may be allowed by such Certificate; and
whosoever, after Notice of such Certificate, buries, or causes, permits,
or

or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of *Twenty Pounds*.

Burial Grounds.

LXXXVIII. No Vault or Grave shall be constructed or made
 5 within the Walls of or underneath any Church or other Place of
 Public Worship built in any District after the *passing of this Act*, and
 no Burial Ground shall be made or formed within any District after
 the *passing of this Act*, without the Consent of the Commissioners
 of Health first had and obtained, unless the same be made or formed
 10 upon Land purchased or authorized by Parliament to be appropriated
 for the Purpose of being used as a Burial Ground before the passing
 of this Act; and whosoever shall bury, or cause, permit, or suffer to
 be buried, any Corpse or Coffin in any Vault, Grave, or Burial Ground
 constructed, made, or formed contrary to this Enactment, shall for
 15 every such Offence be liable to a Penalty not exceeding *Twenty Pounds*, which may be recovered by any Person, with full Costs of
 Suit, in an Action of Debt or by Civil Bill.

As to Interments within Churches or Burial Grounds newly erected or formed.

LXXXIX. Whenever the Commissioners of Health shall certify,
 according to the Provisions of this Act in that Behalf, that any
 20 Burial Ground is in such a State as to be dangerous to the Health of
 Persons living in the Neighbourhood thereof, the Local Board of
 Health of the District in which such Burial Ground may be situated
 may, with the Consent of the said Commissioners, procure, lay out,
 and fit up some convenient Place wherein Interments may take place
 25 on Conditions to be settled by the said Commissioners, and (so far
 as relates to the Interment of Members of the Church of England
 and Ireland) approved by the Bishop of the Diocese in which such
 District may be situated; and the Expenses incurred by any such
 Local Board of Health under this Enactment shall be defrayed out
 30 of the Special or General District Rates (as the Nature of the Case
 may require) levied under this Act.

Local Board may provide additional Burial Grounds.

And with respect to the Purchase of Lands, be it enacted as follows:

Purchase, &c. of Lands.

XC. The Local Board of Health, by Agreement, and with the
 35 Consent and Approval of the Commissioners of Health, may purchase or take upon Lease, sell or exchange, any Lands or Premises
 for the Purposes of this Act; and the Lands Clauses Consolidation
 Act, 1845, except the Parts and Enactments of that Act with respect
 to the Purchase and taking of Lands otherwise than by Agreement,
 40 and with respect to the Recovery of Forfeitures, Penalties, and Costs,
 and with respect to Lands acquired by the Promoters of the Under-
 taking, but which shall not be wanted for the Purposes thereof, shall,
 98. N in

Power to Local Boards to purchase Lands, &c. under 8 & 9 Vict. c. 18.

Purchase, &c. of Lands. in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Local Board of Health mentioned in this Act; and all Lands and Premises which shall be purchased, 5 hired, or taken on Lease by the Local Board of Health of any Non-corporate District shall be conveyed, demised, and assured to such Local Board and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate. 10

Contracts.

And with respect to Contracts, be it enacted as follows :

Contracts by Local Board.

XCI. The Local Board of Health may enter into all such Contracts as may be necessary for carrying this Act into execution; and every such Contract whereof the Value or Amount shall exceed *Ten Pounds* shall be in Writing, and (in the Case of a Noncorporate District) 15 sealed with the Seal of the Local Board by whom the same is entered into, and signed by *Five* or more Members thereof, and (in the Case of a Corporate District) sealed with the Common Seal, and shall specify the Work, Materials, Matters, or Things to be furnished, had, or done, the Price to be paid, and the Time or Times within which 20 the Contract is to be performed, and shall fix and specify some pecuniary Penalty to be paid in case the Terms of the Contract are not duly performed; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Local Board by whom the same is executed, and their Successors, and 25 upon all other Parties thereto, and their Executors, Administrators, Successors, or Assigns, to all Intents and Purposes: Provided always, that the said Local Board may compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, 30 whether such Penalty be mentioned in any such Contract, or in any Bond or otherwise, for such Sums of Money or other Recompence as to such Local Board may seem proper: Provided also, that before contracting for the Execution of any Works under the Provisions of this Act the said Local Board shall obtain from the Surveyor an 35 Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same, also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair 40 during a Term of Years or otherwise: Provided also, that before any Contract of the Value or Amount of *One hundred Pounds* or upwards is entered into by the said Local Board *Ten Days* public Notice at the least shall be given expressing the Nature and Purpose thereof, and

Composition for Penalties in respect of Breach of Contracts.**Estimates to be made before commencing Works.****As to Contracts above the Value of 100*l*.**

and inviting Tenders for the Execution of the same; and the said Local Board shall require and take sufficient Security for the due Performance of the same. Contracts.
—

And with respect to Rates, be it enacted as follows :

- 5 XCII. Whenever any Expenses are incurred or to be incurred by the Local Board of Health in making, enlarging, altering, arching over, covering, or enclosing any Sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters, and Things of a permanent Nature, Rates.
Special Dis-
trict Rate.
- 10 and executed or done for the Benefit of any District or Part of a District, the said Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, a Rate or Rates, to be called Special District Rates, of such Amount as will be sufficient to
- 15 discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding *Thirty* Years, as the said Local Board shall in each Case determine: Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the said Local Board that any Premises were sufficiently drained before the
- 20 new Sewer was made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the said Local Board may, under all the Circumstances of the Case, deem to be just.

- XCIII. If any Person shall consider himself aggrieved by or be Persons
aggrieved by
Special Dis-
trict Rate or
Improvement
Rate may
appeal to the
Commis-
sioners.
- 25 dissatisfied with any Work, Matter, or Thing proposed by the Local Board of Health to be executed or done, and in respect of which such Person may be made chargeable to any Special District Rate or Improvement Rate in Terms of this Act, whether by reason of the Nature or Extent or Expense of such Work, Matter,
- 30 or Thing, or otherwise, it shall be lawful for such Person, at any Time before public Notice shall have been given by such Local Board of Health of any proposed Assessment for or in respect of such Work, Matter, or Thing, or at any Time within *Four* Weeks after such Notice, to appeal against the same to the Commissioners of
- 35 Health, whose Decision thereon shall be final.

- XCIV. The Treasurer or District Bank shall keep a separate District
Fund Ac-
count to be
kept.
- Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board of Health in defraying such of the
- 40 Expenses incurred or to be incurred by the said Local Board in carrying this Act into execution, and not otherwise expressly provided for, as they may think proper; and the said Local Board shall
198. General Dis-
trict Rate.
from

Rates.

from Time to Time, when and as often as Occasion may require, make and levy, in addition to any other Rate, a Rate or Rates to be called "General District Rates," for defraying such Expenses as are charged upon that Rate by this Act, and such other Expenses of executing this Act in any District as are not provided for by any other Rate, or defrayed out of the said District Fund Account.

Property
assessable to
Special and
General Dis-
trict Rates.

XCV. The said Special and General District Rates shall be made and levied upon the Occupier (except in the Cases herein-after provided) of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act; and for the Purpose of making any such Assessment the Local Board of Health, or any Person appointed by them so to do, may from Time to Time, at all reasonable Times, inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within their District, or any Assessments by which the same are made; and whosoever, having the Custody of such last-mentioned Rate or Assessment, refuses to permit such Inspection, or the taking of any such Copy or Extract, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*: Provided always, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal, or Towing Path for the same, or as a Railway, constructed under the Powers of any Act of Parliament, for public Conveyance, shall be assessed in respect of the same in the Proportion of *One Fourth* Part only of such net annual Value thereof: Provided also, that if within any District or Part of a District any kind of Property shall before the passing of this Act have been exempted from rating by any Local Act, in respect of all or any of the Purposes for which General or Special District Rates may be made under this Act, the same kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General or Special District Rates under this Act.

Exemptions
under Local
Acts.

Rates may
be prospec-
tive or re-
trospective.

XCVI. The Local Board of Health may make and levy the said Special and General District Rates, or any or either of them, prospectively, in order to raise Money for the Payment of future Charges and Expenses, or retrospectively in order to raise Money for the Payment of Charges and Expenses which may have been incurred at any Time within Six Months before the making of the Rate; and

- and if at the Time of making any General or Special District Rate any Premises in respect of which the Rate may be made are unoccupied, such Premises shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the same
- 5 whilst they continue to be unoccupied; and if any such Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same shall have been fully paid, the Name of the in-coming Tenant shall be inserted in the Rate, and thereupon so much of the Rate as at the Commencement of his Tenancy may be
- 10 in proportion to the Remainder of the said Period shall be collected, recovered, and paid in the same Manner in all respects as if the Premises had been occupied at the Time when the Rate was made; and if any Owner or Occupier assessed or liable to any such Rate cease to be Owner or Occupier of the Premises in respect whereof he is so
- 15 assessed or liable before the End of the Period for which the Rate was made, and before the same is fully paid off, he shall be liable to pay only such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier; and in every such Case, if any Person afterwards become Owner or
- 20 Occupier of the Premises during Part of the said Period, he shall pay such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier, and the same shall be recovered from him in the same Manner as if he had been originally assessed or liable; and the said Local Board may
- 25 from Time to Time divide their District, or any Street therein, into One or more Parts, for all or any or either of the Purposes of this Act, and make a separate Assessment upon any such Part for and in respect of all or any of the Purposes for which the same is formed; and every such Part, so far as relates to the Purposes in respect
- 30 of which such separate Assessment is made, shall be exempt from any other Assessment under this Act: Provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Parts of a District in common the same shall be apportioned between them in a fair and equitable Manner.
- 35 XCVII. Whenever the Local Board of Health have incurred or become liable to any Expenses which by this Act are or by the said Local Board shall be declared to be Private Improvement Expenses, the said Local Board may, if they shall think fit, make and levy upon the Occupier of the Premises in respect of which the Expenses shall
- 40 have been incurred, except in the Cases herein-after provided, in addition to all other Rates, a Rate or Rates, to be called Private Improvement Rates, of such Amount as will be sufficient to discharge such Expenses, together with Interest thereon at a Rate not exceeding *Five Pounds* in the Hundred, in such Period not exceeding Thirty

Rates.

Assessment to District Rates in case of unoccupied Premises.

Apportionment of Rates between outgoing and in-coming Tenants, &c.

Parts of District may be separately assessed.

Private Improvement Rates.

Rates.

Years as the said Local Board shall in each Case determine: Provided always, that whenever any Premises in respect of which any Private Improvement Rate is made become unoccupied before the Expiration of the Period for which the Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid 5 by the Owner of the Premises so long as the same continue to be unoccupied.

Proportion of
Private Im-
provement
Rate may be
deducted
from Rent.

XCVIII. If the Occupier by whom any Private Improvement Rate is paid holds the Premises in respect of which the Rate is made at a Rent not less than the Rack Rent, he shall be entitled to deduct 10 *Three Fourths* of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord, and if he hold at a Rent less than the Rack Rent he shall be entitled to deduct from the Rent so payable by him such Proportion of *Three Fourths* of the Rate as his Rent bears to the Rack Rent; and if the Landlord from 15 whose Rent any Deduction is made under the Provision last afore-said is himself liable to the Payment of Rent for the Premises in respect of which the Deduction is made, and holds the same for a Term of which less than *Twenty* Years is unexpired, but not otherwise, he may deduct from the Rent so payable by him such Propor- 20 tion of the Sum deducted from the Rent payable to him as the Rent payable by him bears to the Rent payable to him, and so in succession with respect to every Landlord (holding for a Term of which less than *Twenty* Years is unexpired) of the same Premises both receiving and liable to pay Rent in respect thereof: Provided always, 25 that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

Redemption
of Special
District and
Private Im-
provement
Rates.

XCIX. Provided, that at any Time before the Expiration of the Period for which any Special District Rate or Private Improvement 30 Rate is made, the Owner or Occupier of the Premises assessed thereto may redeem the same, by paying to the Local Board of Health the Expenses in respect of which the Rate was made, or such Part thereof as may not have been defrayed by Sums already levied in respect of the same. 35

Water Rate.

C. Whenever and so long as any Premises are supplied with Water by the Local Board of Health, for the Purposes of domestic Use, Cleanliness, or Drainage, they shall make and levy, in addition to any other Rate, a Water Rate upon the Occupier, except as herein-after provided; and the Rate so made shall be assessed 40 upon the net annual Value of the Premises, ascertained in the Manner herein-before prescribed with respect to the said Special and General

General District Rates; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe, the respective Houses shall be charged with the Payment of Water Rates, in the same Manner as if each House had been supplied with Water
5 by a separate Pipe.

Rates.
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CI. The said Water Rate shall be payable in advance; and when-
ever any Person supplied with Water under the Provisions of this Act
neglects to pay the Water Rate due from him, upon Demand, the
Local Board of Health may recover the Arrears due, in the Manner
10 herein-after provided with respect to the Recovery of Rates made
under the Authority of this Act.

Water Rate
payable in
advance.

CII. Provided, that when the net annual Value of any Premises
liable to Assessment under this Act does not exceed the Sum
of *Ten Pounds*, or whenever any Premises liable to such Assess-
15 ment are let to weekly or monthly Tenants, or in separate Apart-
ments, and the Rents become payable or are collected at any
shorter Period than quarterly, the Local Board of Health may
from Time to Time, if they shall think fit, compound with the
Owner of such Premises for the Payment of all or any of the
20 Rates to be made under this Act, upon such reduced Estimate
of the net annual Value, not being less than *Two Thirds* or more
than *Four Fifths* of the net annual Value at which the Premises
are then assessed, as the said Local Board shall deem to be reason-
able; and any Owner who shall refuse to enter into such Composition
25 shall be rated to and pay the Rates assessed upon such Premises in
respect of which the Composition is offered; and if at any Time the
Amount of Composition, or any Rate to which an Owner is assessed
as last aforesaid, be due and unpaid, the same may be levied by
Distress and Sale of the Goods and Chattels of the Owner in default,
30 wheresoever they may be found, or of the Occupier or Occupiers of
the Premises, in the same Manner as is herein-after provided with
respect to the Recovery of Rates made under this Act: Provided
always, that no such Owner shall be assessed in respect of any
increased Rent which may become payable to him by reason of his
35 so compounding for or becoming liable to any Rates as aforesaid:
Provided also, that the Occupier or Occupiers of any such Premises
as last aforesaid shall be liable to Distress and Sale of his or their
Goods and Chattels for the Nonpayment of such Amount of Com-
position or Rates as may become due in respect of the Premises
40 occupied by him or them during his or their Tenancy, but shall never
be liable to pay any greater Sum than the Amount of the Rent
actually due from him or them for such Premises; and he or they
may deduct any Amount paid by him or them from the Rent due, or
198. from

Composition
for and Re-
covery of
Rates upon
Tenements
under the
annual Value
of Ten
Pounds, &c.

Rates.

from Time to Time becoming due, from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be, as against the Owner in default, a sufficient Discharge for Rent.

Act not to affect existing Agreements between Landlord and Tenant.

CIII. Provided also, that nothing in this Act shall alter, interfere 5 with, or affect any Lease, Contract, or Agreement which shall have been made or entered into between Landlord and Tenant before this Act is applied to the District in which the Premises are situate in respect of which the Lease, Contract, or Agreement was made.

Estimate to be prepared before making Rates.

CIV. The Local Board of Health, before proceeding to make 10 any General or Special District Rate or Private Improvement Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate 15 which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat. 20

Notice of Rate.

CV. Public Notice of Intention to make any General or Special District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board of Health, in the Week immediately before the Day on which the Rate is in- 25 tended to be made, and at least *Seven Days* previously thereto; but in case of Proceedings to levy or recover any Rate it shall not be necessary to prove that such Notice was given.

Rates to be open to Inspection.

CVI. Any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made 30 previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*. 35

Description of Owner or Occupier in Rates if his Name be unknown.

CVII. Whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description. 40

CVIII. The

CVIII. The Local Board of Health may from Time to Time amend any Rate made in pursuance of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name inserted, or by inserting the Name of any Person who ought to have been assessed, or by striking out the Name of any Person who ought not to have been assessed, or by raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated, or by making any other Alteration which will make the Rate conformable to the Provisions of this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that any Person who may feel himself aggrieved by any such Amendment shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made, and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until *Seven Days* after such Notice shall have been given to him.

CIX. All Rates made or collected under the Authority of this Act shall be published or notified in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and shall be made in such Manner and Form, and be collected by such Persons, and either together or separately, or with any other Rate or Tax, as the Local Board of Health shall from Time to Time appoint; and if any Person assessed to any such Rate fail to pay the same when due, and for the Space of Fourteen Days after the same shall have been lawfully demanded in Writing, any Justice may and he is hereby empowered to summon the Defaulter to appear before him, or any other Justice, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fail to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the same to be levied by Distress of the Goods and Chattels of the Defaulter: Provided always, that if no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appear upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall endorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed

Rates.
Rates may be amended.

Rates made under this Act to be published as Poor Rates, and collected as Local Board shall appoint. Justices may summon Persons for Nonpayment, and in default may recover by Distress.

Rates.

in the last-mentioned County or Jurisdiction ; and if any Person quit or be about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuse to pay the same after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods 5 are found may and he is hereby empowered to summon him to appear at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid ; and in case the Defaulter fail to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, 10 cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter.

Form of Dis-
tress War-
rant.

CX. Warrants of Distress for the Recovery of any Rate payable under the Authority of this Act may be in the Form contained in the Schedule (D.) annexed to this Act, or to the like Effect, and 15 may be executed by the Collector of the District, his Deputies or Assistants.

Evidence of
Rates.

CXI. The Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as *prima facie* Evidence of 20 the making and Validity of the Rates mentioned therein.

Mortgage of
Rates.Rates may be
mortgaged.

And with respect to the Mortgage of Rates, be it enacted as follows :

CXII. The Local Board of Health may, with the Consent of the Commissioners of Health, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the 25 Execution of this Act, borrow and take up at Interest, on the Credit of the Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses ; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local 30 Board may, with such Consent, mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Rates upon the Credit of which the Sums are borrowed ; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in 35 such Mortgages mentioned to have been advanced ; and each Mortgagee shall be repaid the Sums so advanced, with Interest, without any Preference over the others of them by reason of any Priority of Advance or the Date of his Mortgage : Provided always, that the Money borrowed under the Authority of this Act shall be borrowed 40 only for Works of a permanent Nature, and shall not at any Time exceed in the whole the assessable Value for *One Year* of the Premises

No Priority
amongst
Mortgagees.

mises assessable under this Act within the District or Part of the District for or in respect of which such Money shall be borrowed, and shall (as far as practicable) be borrowed upon the Credit of the respective Rates applicable to the Works, Matters, or Things in respect of which the Money is required; and the Money borrowed for the Purpose of defraying any Costs, Charges, or Expenses incurred or to be incurred in respect of Part of a District only shall be charged (as far as practicable) upon the Credit of any separate Rates made or to be made for the Purposes of such Part; and in case any such Costs, Charges, or Expenses shall apply to or be incurred in respect of Two or more of such Parts, the Money borrowed in respect of the same shall be equitably apportioned by the Local Board upon any Rates made or to be made for the Purposes of such Parts respectively.

Mortgage of Rates.

15 CXIII. It shall be lawful for the Commissioners of Health to grant their Consent to the borrowing or taking up at Interest of any Sum or Sums of Money upon the Credit of the Rates authorized to be made and collected under this Act, either absolutely or upon such Conditions with respect to the Expenditure of the Money to be so borrowed or taken up, and with respect to the Works, Matters, and Things for or in respect of which such Money shall be expended, and as to the Time within which such Money shall be repaid, as the said Commissioners, after Inquiry and Report by a Superintending Inspector, shall think fit.

With respect to the Approval of the Commissioners to the Mortgage of Rates, &c.

25 CXIV. The Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled "An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes," and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make Advances to the Local Board of Health of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rates.

Commissioners of Public Works and Fisheries may make Advances to Local Boards under 5 & 6 Vict. c. 9.

40 CXV. If the Local Board of Health can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the Consent of the Mortgagee, to pay off and discharge any of the Securities bearing

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

- Mortgage of Rates.* — ing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage. 5
- Power to borrow Money to pay off former Mortgages.* CXVI. If at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board of Health are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, 10 and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board of Health in the Execution of this Act.
- Form of Mortgage.* CXVII. Every Mortgage authorized to be made under this Act 51 shall be by Deed, truly stating the Date, Consideration, and the Time and Place of Payment, and shall (in the Case of a Noncorporate District) be sealed with the Seal of the Local Board of Health by or on the Part of whom the same is executed, and be signed by Five or more Members thereof, or (in the Case of a 20 Corporate District) be sealed with the Common Seal, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Mortgages upon each Rate, and within Fourteen Days after the Date of any 25 Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Description of the Parties thereto as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody 30 of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding *Five Pounds*.
- Transfer of Mortgages.* CXVIII. Any Mortgagee or other Person entitled to any such Mortgage may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date and 35 the Consideration for the Transfer; and such Transfers may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Transfers of Mortgage charged upon each kind of Rate, and within *Thirty* 40 Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within *Thirty* Days after its Arrival in the United
- Register of Mortgages.*
- Register of Transfers.*

United Kingdom if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of *Five Shillings*, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Mortgage of Rates.

CXIX. The Interest secured by any Mortgage authorized to be made under this Act shall, unless otherwise provided, be paid half-yearly; and in order to pay off any Monies borrowed and secured by any such Mortgage the Local Board of Health shall in every Year until the same be paid off appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of *Thirty Years* amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund and the Interest thereon to be invested in the Purchase of Exchequer Bills or other Government Securities and to be increased by Accumulation in the way of Compound Interest or otherwise: and whenever the said Local Board are enabled to pay off One or more of the Mortgages charged upon the same Property or Rate, and are not able to pay off the whole of the Mortgages so charged, they shall, in default of Arrangement between the Local Board of Health and the Mortgagees, decide by Lot the Order in which the same shall be paid off.

Interest to be paid half-yearly.

Mortgage Debts to be paid off by means of a Sinking Fund.

CXX. If at the Expiration of *Six Months* from the Time when any Principal Money or Interest has become due upon any Mortgage of Rates made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee or other Person entitled thereto may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint in Writing under their Hands and Seals some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made

Receiver may be appointed in certain Cases.

Mortgage of Rates.

all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between them : Provided always, that no such Application shall be entertained unless 5 the Sum or Sums due and owing to the Applicant amount to *One thousand Pounds*, or unless a joint Application be made by Two or more Mortgagees or other Persons to whom there may be due, after such Lapse of Time and Demand as last aforesaid, Monies collectively amounting to that Sum.

10

Bye Laws.

Bye Laws of Local Board not to be in force till confirmed by Lord Lieutenant.

And with respect to Bye Laws, be it enacted as follows:

CXXI. All Bye Laws made by the Local Board of Health under and for the Purposes of this Act shall be in Writing under their Seal, and the Signature of any Five or more of their Number, or (in the Case of a Corporate District) under the Common Seal ; and the said 15 Local Board may by any such Bye Laws impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of *Five Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of *Forty Shillings* for each Day after written Notice of the Offence from the 20 said Local Board ; and the said Local Board may alter or repeal any such Bye Laws by any subsequent Bye Laws, sealed and signed, or (in case of a Corporate District) sealed, as last aforesaid: Provided always, that all such Bye Laws imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full 25 Amount of the Penalty: Provided also, that no such Bye Laws shall be repugnant to the Laws of Ireland or to the Provisions of this Act, and the same shall not be of any Force or Effect unless and until the same be submitted to and confirmed by the Lord Lieutenant of Ireland, who is hereby empowered to allow or disallow the same, as he may 30 think proper: Provided also, that no such Bye Laws shall be confirmed unless Notice of Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the District to which such Bye Laws relate One Month at least before the making of such Application ; and 35 for One Month at least before any such Application a Copy of the proposed Bye Laws shall be kept at the Office of the Local Board of Health, and be open during Office Hours thereat to the Inspection of the Rate-payers of the District to which such Bye Laws relate, without Fee or Reward ; and the Clerk shall furnish every such Rate-payer 40 who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of *Sixpence* for every One hundred Words contained in such Copy.

Notice of Confirmation, &c.

CXXII. All

CXXII. All Bye Laws made by the Local Board of Health in pursuance of this Act shall be printed, and hung up in the Office of the said Local Board; and Copies thereof shall be delivered to any Rate-payer of the District to which such Bye Laws relate, upon his Application for the same.

Bye Laws.

Bye Laws to be printed, &c.

CXXIII. And be it enacted, That, notwithstanding the Application of this Act to any District, the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea, or of paving or flagging or putting in order any Street or Part thereof within the District, shall, if incurred previously to the Time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

Saving of previous Liabilities.

Existing Liabilities to make Sewers, &c. not to be discharged.

CXXIV. And be it enacted, That it shall not be lawful for the Local Board of Health to borrow or take up at Interest any Sum or Sums of Money upon the Credit of any Rates authorized to be made or collected under this Act, without the previous Consent of the Commissioners of Health.

General Superintendence.

Mortgage of Rates to be made only with Approval of Commissioners.

CXXV. And be it enacted, That if in any Case in which the Local Board are empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the said Local Board thereupon, he may, within Seven Days after Notice of such Decision, address a Memorial to the said Commissioners of Health, stating the Grounds of his Complaint; and the said Commissioners may make such Order in the Matter as to them may seem equitable, and the Order so made shall be binding and conclusive upon the said Local Board; and if the said Local Board shall have proceeded to recover such Expenses in a summary Manner, the said Commissioners may, if they shall think fit, direct the said Local Board to pay to the Person so proceeded against such Sum as they may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by him.

Parties aggrieved by Proceedings of Local Board as to Recovery of certain Expenses may appeal to the Commissioners.

CXXVI. And be it enacted, That during any Inquiry by a Superintending Inspector under this Act he may and he is hereby empowered to summon before him any Persons whomsoever, and to examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require

Superintending Inspectors may summon Witnesses, call for Plans, Rates, &c.

*General
Superintendence.*
—

require any Officer of or acting under any Corporation, Guardians or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District or Place to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other 5 like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys 10 any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding *Five Pounds*: Provided always, that no Person shall be required to attend in 15 obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than *Ten Miles* from his Place of Abode.

*As to Audit
of Accounts.*

CXXVI. And be it enacted, That the Accounts of the Receipts 20 and Expenditure of the Local Board of Health shall be audited and examined once in every Year at the least, at such Time or Times as shall be appointed by such Local Board, in case of a Corporate District, by the Auditors of the Corporate Borough whereof the whole or Part is within such District; and in case of a District 25 exclusively consisting of the whole or Part of Two or more Corporate Boroughs, or of One or more of such Boroughs and also of Part of any such Borough or Boroughs, by such Two of the Auditors for the Time being of the Corporate Boroughs respectively whereof the whole or Part is within such District as shall from Time to Time 30 be appointed by the Local Board of Health; and in case of any other District as soon as can be after the Twenty-fifth Day of March in every Year, by the Auditor of Accounts relating to the Relief of the Poor for the District for the Audit of such Accounts, or for the Union in which such District under this Act is comprised, or if any 35 District under this Act be partly situate in Two or more Unions or Districts for the Audit of Accounts, by such One of the Auditors for the Time being of the Unions or Districts for the Audit of Accounts (whereof the whole or Part is within such District under this Act) as shall from Time to Time be appointed by the 40 Local Board of Health; and for the Purposes of any Audit and Examination of Accounts under this Act, every such Auditors or Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other

*Power to
Auditor to
require Pro-
duction of
Books, &c.*

other Documents and Papers which they or he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them or him at any such Audit and Examination, or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglect or refuse so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall be liable for every Neglect or Refusal to a
 10 Penalty of *Forty Shillings*, and if he falsely or corruptly make or sign any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be final and
 15 conclusive to all Intents and Purposes; and such Auditors or Auditor shall in respect of each Audit be paid by the Local Board of Health, out of the General District Rates levied under this Act, such reasonable Remuneration as they shall from Time to Time by Order in Writing determine and appoint: Provided always, that before each
 20 Audit and Examination of Accounts under this Act the Clerk shall give *Ten Days* Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers usually circulated within the District for which the Audit and Examination will be made; and a Copy of the Accounts to be
 25 audited and examined shall be deposited in the Office of the Local Board of Health, and be open during Office Hours thereat to the Inspection of all Persons interested, for Seven Days before the Audit and Examination; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and
 30 within *Fourteen Days* after the Audit and Examination shall have been completed the Auditors or Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk, who shall cause the same to be deposited in the Office of the Local Board of Health, and to be published in some One or
 35 more of the public Newspapers usually circulated in the District to which it relates.

General
Superintendence.Penalty on
Persons for
Neglect.Accounts
previous to
Audit to be
deposited,
and open to
Inspection,
&c.

And with respect to Arbitration, be it enacted as follows:

Arbitration.

CXXVIII. In case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where
 40 the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and

Mode of
referring to
Arbitration.

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every

Arbitration.

every such Appointment, when made on the Behalf of the Local Board of Health, shall (in the Case of a Noncorporate District) be under their Seal and the Hands of any *Five* or more of their Number, or under the Common Seal in case of a Corporate District, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party operate as a Revocation; and if for the Space of *Fourteen Days* after any such Matter shall have arisen, and Notice in Writing by one Party who has himself duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.

20

Death, &c.
of One of
several
Arbitrators;

CXXIX. If before the Determination of any Matter so referred any Arbitrator die, or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf, the remaining Arbitrator may proceed *ex parte*; and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or become incapable to act, before the making of his Award, or fail to make his Award within *Twenty-one Days* after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

35

of single
Arbitrator.

Appoint-
ment of
Umpire by
the Parties;

by Quarter
Sessions.

CXXX. In case there be more than One Arbitrator the Arbitrators shall, before they enter upon the Reference, appoint by Writing under their Hands an Umpire, and if the Person appointed to be Umpire die, or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for *Seven Days* after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any

any

any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within *Twenty-one Days* after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending to the same in the Case of a single Arbitrator, shall apply to an Umpirage.

Arbitration.

CXXXI. Provided, that the Time for making an Award under this Act shall not be extended beyond the Period of *Three Months* from the Date of the Submission or from the Day on which the Umpire shall have been appointed (as the Case may be).

Time within which Award must be made.

CXXXII. Any Arbitrator, Arbitrators, or Umpire, appointed by virtue of this Act, may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators, or of the Umpire, in case the Matters referred are determined by an Umpire under the Power herein-before contained in that Behalf; and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Power to Arbitrator to require Production of Documents.

As to Costs of Reference.

Submission may be made a Rule of Court.

CXXXIII. Before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

Declaration to be made by Arbitrator and Umpire.

I A.B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Public Health (Ireland) Act, 1850.

A.B.

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

And with respect to legal Proceedings, be it enacted as follows:

Legal Proceedings.

CXXXIV. In all Cases in which the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, the same may be ascertained by and recovered before Two Justices, together with such Costs of the Proceedings

Recovery of Damages, &c.

*Legal
Proceedings.*

ceedings as the Justices may think proper ; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication ; and any Penalty imposed by or under the Authority of this 5 Act, or any Bye Law made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before Two Justices, together with such Costs of the Proceedings as they may think proper ; and if the Sums 10 adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication ; and such Justices or either of them may order that any Offender convicted as last aforesaid be detained and 15 kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day appointed by the Return, such Day not being more than Eight Days from the Time of taking the Security ; and if before issuing such Warrant, or 20 upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justices that no sufficient Distress can be had within their Jurisdiction, they may, by Warrant under their Hands and Seals, cause the Offender to be committed to Gaol, there to remain without Bail, for any Term not exceeding *Three Months*, unless such Penalty 25 and Costs be sooner paid.

*Form of
Conviction.*

CXXXV. The Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction to be drawn up according to the Form and Directions contained in the Schedule (E.) annexed to this Act, or to the like 30 Effect ; and any Conviction so drawn up shall be valid and effectual.

*Mode of
proceeding
before Jus-
tices.*

CXXXVI. In proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of Proceeding is not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom 35 the Matter is to be determined, at a Time and Place to be named ; and upon the Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and 40 determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses, on Oath ; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice

Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the
 5 Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall he be a Trespasser ab initio
 10 on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case.

Legal Proceedings.

Distress how to be levied;

not unlawful for Want of Form.

CXXXVII. Justices of the Peace, being also Members of any Local Board of Health, may, if acting in Petty Sessions, notwithstanding
 15 their being such Members, exercise the Jurisdiction vested in them as such Justices under this Act.

Justices, though Members of Local Board, may act under this Act.

CXXXVIII. No Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or the Local Board of
 20 Health in whose District the Offence is committed, or by the Guardians of the Poor (where any such Penalty is directed to be paid to the Guardians of the Poor), without the Consent in Writing of Her Majesty's Attorney General for Ireland first had and obtained; and that no such Penalty shall be recovered unless Proceedings for the
 25 Recovery thereof shall have been commenced within Six Calendar Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and if the Application of the Penalty be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder to the Local Board of Health of the District in
 30 which the Offence was committed: Provided always, that if the said Local Board be the Informer they shall be entitled to the whole of the Penalty recovered, and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer or District Bank, and shall by him or them be placed to the District Fund
 35 Account mentioned in this Act.

Common Informers not to sue without Consent of Attorney General.

Proceedings for Penalties to be taken within Six Months.

Application of Penalties.

CXXXIX. Notwithstanding the Liability of any Person to any Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed.

Liability to Penalty not to relieve from other Liabilities.

40 CXXXXL. Any Person who shall think himself aggrieved by any Rate made under the Provisions of this Act, or by any Order, Conviction,
 198. S viction,

Appeal to Quarter Sessions.

*Legal
Proceedings.*

viction, Judgment, or Determination of, or by any Matter or Thing done by, any Justice or Justices, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of *Twenty Shillings*, may appeal to the Court of General or Quarter Sessions for the respective Division or Place holden next after the making 5 of the Rate objected to, or Accrual of the Cause of Complaint; but the Appellant shall not be heard in support of the Appeal, unless within *Fourteen Days* after the making and Publication of the Rate appealed against, or Accrual of the Cause of Complaint, he give to the Local Board of Health or Justice or Justices by whose 10 Act he may think himself aggrieved Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion, award such Costs to the Party appealing or appealed 15 against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents and Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid before such Sessions holden as last aforesaid, then such 20 Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions for the respective Division or Place at which the Appeal can be heard: Provided also, that on the hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as 25 aforesaid.

Power of
Sessions
upon Ap-
peals against
Rates.

CXLI. That the said Court of General or Quarter Sessions shall, upon Appeals under this Act against any Rate, have the same Power to amend or quash any Rate or Assessment, and to award Costs between the Parties to the Appeal, as is or may by Law 30 be vested in any Court of General or Quarter Sessions with respect to amending or quashing any Rate or Assessment, or awarding Costs, upon Appeals with respect to Rates for the Relief of the Poor; and the Costs awarded by the said Court under this Act may be recovered in the same Manner in all respects as Costs awarded 35 upon the last-mentioned Appeals: Provided always, that, notwithstanding the quashing of any Rate appealed against, all Monies charged by such Rate shall, if the Court before whom the Appeal is heard think fit so to order, be levied as if no Appeal had been made, and such Monies, when paid, shall be taken as Payment on account of 40 the next effective Rate for the Purposes in respect of which the quashed Rate was made.

No Rate or
Proceeding
to be quashed

CXLII. No Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other

other Matter or Thing whatsoever, made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts. for Want of Form, &c.

- 5 CXLIII. The Local Board of Health of any Noncorporate District may sue and be sued in the Name of the Clerk for the Time being for or concerning any Contract, Matter, or Thing whatsoever relating to any Property, Works, or Things vested or to become vested in them by reason of the Provisions of this Act, or
 10 relating to any Matter or Thing whatsoever entered into or done, or intended to be entered into or done by them, under the Provisions of this Act; and in any Action of Ejectment brought or prosecuted by such Local Board it shall be sufficient to lay the Demise in the Name of the said Clerk; and in Proceedings by or on the Part of
 15 such Local Board against any Person for stealing or wilfully injuring or otherwise improperly dealing with any Property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all
 20 legal Proceedings by or on the Part of or against such Local Board, under this Act, may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Local Board by Death, Resignation, or
 25 otherwise: Provided always, that the Clerk in whose Name any such Action or Suit, Complaint, Information, or Proceeding, may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the General District Rates to be levied under this Act all such Costs, Charges, Damages, and Expenses as he shall or
 30 may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

Proceedings
in case of
Noncorpo-
rate Districts.

Actions, &c.
in Name of
Clerk.

Mode of
describing
Property of
Local Board.

Actions, &c.
not to abate.

Clerk to be
reimbursed
Expenses.

- CXLIV. No Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the Commissioners of Health,
 35 nor against the Local Board of Health, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, for anything done or intended to be done under the Provisions of this Act, until the Expiration of One
 40 Month next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, clearly and explicitly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in

Notice of
Action.

Legal Proceedings.
 Limitation of Actions. in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within *Six Months* next 5 after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and any Person to whom any such 10 Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within *One Month* after Service of such Notice, and in case the same be not accepted may plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon 15 any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinued, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends 20 tendered be insufficient, the Defendant may, by Leave of the Court, at any Time before Trial, pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) may plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding. 25

Persons acting in execution of Act not to be personally liable. CXLV. No Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any Superintending Inspector, or any Member of the said Local Board, or by the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, 30 or other Officer or Person whomsoever acting under the Direction of the said Local Board, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred 35 by any such Local Board, Member, Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Miscellaneous.
 Orders in Council and Provisional Orders may be amended, and Districts extended. CXLVI. And be it enacted, That the Lord Lieutenant of Ireland may from Time to Time alter or amend any Order in Council made 40 under or in pursuance of the Provisions of this Act, by any subsequent Order in Council, in such Manner as the Lord Lieutenant, by and with the Advice of the Privy Council, may think proper; and

and if at any Time it appear to the Commissioners of Health that any Provisional Order made by them under this Act should be altered or amended, or that the Boundaries of any District should be altered or extended, they shall make a Provisional Order under their Hands and Seal of Office accordingly: Provided always, that no Order in Council or Provisional Order as last aforesaid shall be made until such Proceedings have been taken in and with respect to the District and Parts to be affected thereby as are herein-before required in such Case respectively to be taken previously to the original Constitution of a District under this Act; and no such Provisional Order shall be of any Force or Effect without the previous Authority of Parliament, as herein-before prescribed with respect to Provisional Orders made under this Act.

Miscellaneous.

CXLVII. And be it enacted, That all Orders in Council under this Act shall take effect and be in full Force and Operation within the District to which they apply from and after a Day which shall be specified in such Orders for that Purpose; and a Copy of every such Order shall be published in the Dublin Gazette, and shall be laid before Parliament in the Month of January in every Year, if Parliament be then sitting, or if Parliament be not then sitting then within One Week after the next Meeting thereof; and whenever any Provisional Order of the Commissioners of Health is submitted to Parliament for Confirmation, the said Commissioners shall present to both Houses of Parliament a Copy of all Reports of any Superintending Inspector with respect to the Parts to which the Provisional Order relates, and of all Memorials forwarded to the said Commissioners with respect to such Reports.

Publication of Orders in Council, &c.

Reports of Superintending Inspectors, &c. to be laid before Parliament.

CXLVIII. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any them, the Local Board of Health may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board, and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause shall be shown against the same the said Justices may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the Local Board of Health or any Member thereof, the Surveyor, and Inspector of Nuisances,

Entry upon Lands for the Purposes of this Act.

Miscellaneous.

and any Person authorized by any such Superintending Inspector, Local Board, Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of *Ten* in the Forenoon and *Four* in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

Compensation in case of Damage by Local Board.

CXLIX. And be it enacted, That full Compensation shall be made, out of the General or Special District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or if the Compensation claimed do not exceed the Sum of *Twenty Pounds*, the same may be ascertained by and recovered before Justices in a summary Manner.

Sewers, &c. of Commissioners of Sewers, private Water-courses, &c., not to be used without Consent.

CL. And be it enacted and declared, That nothing in this Act shall be construed to authorize the Local Board of Health to use, injure, or interfere with any Sluices, Flood-gates, Sewers, Groynes, Sea Defences or other Works already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path, in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors or Undertakers of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained; and that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation, as last aforesaid.

Local Board may allow Owners Time for Repayment of Expenses.

CLL And be it enacted, That in any Case in which the Local Board of Health may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the said Local Board may,

may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than One Thirtieth Part of the entire Sum, together with Interest at the Rate of Five Pounds in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment be allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

CLII. And be it enacted, That every Person who upon any Examination on Oath under the Provisions of this Act shall wilfully and corruptly give false Evidence shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury.

CLIII. And be it enacted, That whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board of Health, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Bye Law, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Commissioners or Local Board of Health, be liable for every such Offence to a Penalty not exceeding *Five Pounds*; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall, by Order in Writing (which may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect), require such Occupier to permit the Execution of the Works required to be executed, provided that the same appear to such Justice to be such as are necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding *Two Pounds* for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board of Health to state the Name of the Owner of the Premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at the Time and Place to be appointed in such Summons, and if after being so summoned he neglect or refuse to attend at the Time and Place so appointed, or if he do not show good

Miscellaneous.

False Evidence punishable as Perjury.

Penalty for obstructing Officers, defacing Boards, &c.;

upon Occupiers preventing Execution of Works.

Occupiers to disclose Owners Name.

Miscellaneous. — good Cause for such Refusal, or if such wilful Omission or Misstatement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding *Five Pounds*.

Consents of Commissioners of Health and Local Board to be in Writing. CLIV. And be it enacted, That whenever the Consent, Sanction, 5 or Approval or Authority of the Commissioners of Health is required by the Provisions of this Act, the same shall be in Writing under their Seal and the Hands of Two or more Members thereof; and whenever the Consent, Sanction, Approval, or Authority of the Local Board of Health is so required, the same shall (in the Case of a Noncorporate 10 District) be in Writing under their Seal and the Hands of Five or more of them, or (in case of a Corporate District) under their Common Seal.

Service of Notice upon Local Board; upon Owners and Occupiers. CLV. And be it enacted, That any Summons, Notice, Writ, or Proceeding of any Kind whatsoever to be served upon the Local 15 Board of Health may be so served by being left at or sent through any Post Office directed to the Local Board of Health at their Office, or by being delivered there to the Clerk personally; and in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises it shall be sufficient to 20 address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (naming them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering 25 the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in case of the Owner, if his Place of Abode be unknown,) upon any Inmate of the last-mentioned Premises, or if such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier, (and in case of the Owner also, if his 30 Residence be unknown,) it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises: Provided always, in the Case of Notices to the Owner, that, although his Place of Abode be known to the Local Board of Health, yet if it be not within the Limits of their District, it shall be sufficient for them to transmit any Notice, 35 directed to him by Name, with his proper Address, through the Post.

Exemptions from Stamp Duty. CLVI. And be it enacted, That no Advertisement inserted or caused to be inserted by the Commissioners or Local Board of Health in the Dublin Gazette or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, 40 Award, Submission, Instrument, Contract, Agreement, or Writing made or executed by the said Commissioners or Local Board, their Officers

Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the Commissioners or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever, anything in any Act of Parliament to the contrary notwithstanding.
5

CLVII. And be it enacted, That the Commissioners of Health hereby appointed shall make a Report annually to the Lord Lieutenant of Ireland of their Proceedings under this Act, and such Reports shall in each Year be laid before Parliament.

Commissioners of Health to report annually.
Report to be laid before Parliament.

10 CLVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.



SCHEDULE (A.)

Form of Voting Paper.

District of

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Rate-payer.

Directions to the Voter.

The Voter must write his Initials against the Name of every Person for whom he votes, and must sign this Paper.

If the Voter cannot write he must affix his Mark, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against the Name of every Person for whom the Voter intends to vote.

If a Proxy vote he must in like Manner write his Initials, sign his own Name, and state in Writing the Name of the Corporation or Company for whom he is Proxy.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Names of the Nominators.	Address of the Nominators.
.
.
.
.
.

I vote for the Persons in the above List against whose Names my Initials are placed.

Signed _____

or, The Mark of _____

Witness to the Mark.

or _____ Proxy for _____



SCHE-

SCHEDULE (B.)

FORM OF MORTGAGE OF RATES.

By virtue of the Public Health (Ireland) Act, 1850, the Local Board of Health for the District of _____ in consideration of the Sum of _____ paid to the Treasurer [or, District Bank] of the said District by A.B. of _____ for the Purposes of the said Act, do grant and assign unto the said A.B., his Executors, Administrators, and Assigns, such Proportion of the Rates arising or accruing by virtue of the said Act from [the Rates mortgaged] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to hold to the said A.B., his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said Principal Sum shall be repaid on the Day of _____ at [Place of Payment]. Dated this _____ Day of _____ One thousand eight hundred and _____

[In case of a Noncorporate District, to be signed by Five Members at least of the Local Board of Health, and sealed with their Seal; in case of a Corporate District, to be sealed with the Common Seal.]

SCHEDULE (C.)

FORM OF TRANSFER OF MORTGAGE.

I A.B. of _____ in consideration of the Sum of _____ paid to me by C.D. of _____ do hereby transfer to the said C.D., his Executors, Administrators, and Assigns, a certain Mortgage bearing Date the _____ Day of _____ and made by the Local Board of Health for the District of _____ for securing the Sum of _____ and Interest thereon at _____ per Centum per Annum [or, if such Transfer be by Endorsement on the Mortgage, insert, instead of the Words immediately following the Word "Assigns," the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this _____ Day of _____ One thousand eight hundred and _____

A.B. (L.S.)

SCHEDULE (D.)

FORM OF DISTRESS WARRANT.

To A. B. Collector of Rates, and his Deputies and Assistants.

County of
[or, Borough, &c.] } WHEREAS Complaint hath been duly made by A.B.,
to wit. } One of the Collectors for the District of
under and by virtue of the Public Health (Ireland) Act, 1850, that C.D. of, &c. hath not paid and hath refused to pay the Sum of duly assessed upon him in and by a certain Rate bearing Date on or about the Day of in the Year of our Lord One thousand eight hundred and although the same hath been duly demanded of him: And whereas it appears to me E. F., Esquire, One of Her Majesty's Justices of the Peace in and for the said County [or, Borough, &c.], as well upon the Oath of the said A. B. as otherwise, that the said Sum of hath been duly demanded in Writing by him from the said C.D., and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said C.D. hath been duly summoned to appear before me to show Cause why the said Sum should not be paid by him, and not having shown to me any sufficient Cause why the same should not be paid, These are therefore, in Her Majesty's Name, to command you to levy the said Sum of and also the Sum of the Costs of proceeding to obtain this Warrant, by Distress and Sale of the Goods and Chattels of the said C.D., and your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the Overplus (if any), on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said C.D., that then you certify the same to me, together with this Warrant, to the end that such further Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, the Day of
in the Year of our Lord

(Signed) E. F. (L. S.)

SCHEDULE (E.)

FORM OF CONVICTION.

County of
[or, Borough, &c.] } BE it remembered, That on the Day of
to wit. } in the Year of our Lord
A. B. is convicted before me [or, us]
One [or, Two] of Her Majesty's Justices of the Peace in and for the
County [or, Borough, &c.] of [here describe the Offence
generally,

generally, and the Time and Place when and where committed, in the Words of this Act, or as near thereunto as may be], contrary to the Public Health (Ireland) Act, 1850; and I [or, we] do adjudge that the said A. B. hath forfeited for his said Offence the Sum of [Amount of Penalty adjudged], and that he do pay to C. D. the further Sum of as and for his Costs in this Behalf.

Given under my Hand and Seal [or, our Hands and Seals], the Day and Year first above written.

(Signed)

(L.S.)

(L.S.)

SCHEDULE (F.)

FORM OF ORDER TO PERMIT EXECUTION OF WORKS BY OWNERS.

County of [or, Borough, &c.] to wit. } WHEREAS Complaint hath been made to me, E. F. Esquire, One of Her Majesty's Justices of the Peace in and for the County [or, Borough, &c.] of by A. B., Owner, within the Meaning of the Public Health (Ireland) Act, 1850, of certain Premises, to wit, a House [as the Case may be] situate in Street [as the Case may be] in the Parish of in the said County [or, Borough, &c.] that C. D., the Occupier of the said Premises, doth prevent the said A. B. from obeying and carrying into effect the Provisions of the said Act in this, to wit, that he the said C. D. doth prevent the said A. B. from [here describe the Works generally, according to Circumstances, for instance, thus: constructing and laying down, in connexion with the said House, a covered Drain, so as to communicate with a [Sewer or Drain] of the Local Board of Health of the District of [or, a Sewer, &c., which the Local Board of Health of the District of are entitled to use, as the Case may require], such Sewer being within One hundred Feet of the said House]: And whereas the said C. D. having been duly summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said A. B. to obey and carry into effect the Provisions of the said Act, I do hereby order that the said C. D. do permit the said A. B. to execute the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and E. F. (L. S.)

Public Health.

(Ireland.)

A

B I L L

For promoting the Public Health in Ireland.

*(Prepared and brought in by
Sir William Somerville and Mr. Solicitor General for
Ireland.)*

*Ordered, by The House of Commons, to be Printed,
8 April 1850.*

198.

Under 10 oz.

Public Health (Scotland) Bill.

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SCHEDULES.

8 March 1850. 13 VICT.



(Scotland.)

A

B I L L

FOR

Promoting the Public Health in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS further and more effectual Provision ought to be made for improving the sanitary Condition of Towns and populous Places in Scotland, and it is expedient that the Supply of Water to such Towns and Places, and the Sewerage, Drainage, cleansing, and paying thereof, should, as far as practicable, be placed under one and the same local Management and Control, subject to such general Supervision as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act may from Time to Time be applied, in manner herein-after provided, to any Part of Scotland.

Preamble.

Act may be applied to any Part of Scotland.

II. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; (that is to say,)

Interpretation of Terms :

125.

A

Words

- Number:** Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :
- Gender :** Words importing the Masculine Gender shall include Females :
- " Person :"** The Word " Person " and Words applying to any Person or 5 Individual shall apply to and include Corporations :
- " Lands :"** The Word " Lands " and the Word " Premises " shall include
" Premises :" Lands, Houses, and Buildings.:
- " Owner :"** The Word " Owner " shall mean the Person for the Time being receiving the Rack Rent of the Lands or Premises in connexion 10 with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rack Rent :
- " Rack Rent :"** The Expression " Rack Rent " shall mean Rent which is not less 15, than *Two Thirds* of the full net annual Value of the Property out of which the Rent arises; and the full net annual Value shall be taken to be the Rent at which the Property might reasonably be expected to let from Year to Year, deducting therefrom the probable average annual Cost of the Repairs, 20 Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent, and also deducting any Charges for Improvements of a permanent Nature to which the Property may be actually subject for the Time under this Act : 25
- " Month :"** The Word " Month " shall mean Calendar Month :
- " Commis-
sioners of
Her Ma-
jesty's Trea-
sury :"** The Expression " Commissioners of Her Majesty's Treasury " shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being, or any *Three* or more of them, or the Lord High Trea- 30 surer of the United Kingdom of Great Britain and Ireland for the Time being :
- " Sheriff :"** The Word " Sheriff " shall mean the Sheriff or Steward of the County or Stewartry in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of 35 the Sheriff arises, and shall include Sheriff Substitute and Steward Substitute :
- " Arbiters :"** The Word " Arbiters " shall include a single Arbitrator; and the Words " Arbiters " and " Arbitrator " shall include an Oversman :
- " Oath :"** The Word " Oath " shall mean and include an Affirmation in the 40 Case of Quakers, and a Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath :
- " District :"** The Word " District " shall mean the entire Area, Places, or Parts of Places comprised within the Limits of any District to which this

this Act or any Part thereof shall be applied by Order in Council or Provisional Order of the General Board of Health, sanctioned by Parliament :

Interpretation of Terms.

5 The Expression "Corporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are exercised and executed by Commissioners of Police, or by the Provost, Magistrates, and Council of a Royal or Parliamentary Burgh :

"Corporate District :"

10 The Expression "Noncorporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are not exercised and executed by Commissioners of Police, or by the Provost, Magistrates, and Council of a Royal or Parliamentary Burgh :

"Noncorporate District :"

15 The Expression "Police District" shall mean the whole Territory included within the Limits of any Local Police Act, and over which the Jurisdiction of the Commissioners of Police established by such Act shall extend :

"Police District :"

20 The Expression "Parliamentary Burgh" shall mean a Burgh or Town to which Magistrates and Councillors were provided by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His Majesty King William the Fourth, intituled "An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not Royal Burghs :"

"Parliamentary Burgh :"

30 The Word "Street" shall include any Road, Bridge, Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of any District :

"Street :"

The Word "House" shall include Schools, Factories, and other Buildings in which more than *Twenty* Persons are employed at One Time :

"House :"

35 The Word "Lodging-house" shall mean a House in which Lodgers are housed at an Amount not exceeding *Sixpence* per Head per Night :

"Lodging-house :"

40 The Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of *Two* or more Buildings or Premises occupied by different Persons is conveyed :

"Drain :"

- "Sewer :"
The Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies :
- "Slaughter-house :"
The Term "Slaughter-house" shall mean and include any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description for Sale :
- "Water-works Company :"
The Expression "Waterworks Company" shall mean any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit :
- "Water-works :"
The Term "Waterworks" shall include Streams, Springs, Wells, 10 Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company :
- "The General Board of Health :"
The Expressions "the General Board of Health" and "the General Board" shall mean the General Board of Health acting for the Time being under "The Public Health Act, 1848," or under any subsequent Act renewing, continuing, or extending the same : 15
- "The Local Board of Health :"
The Expressions "the Local Board of Health" or "the Local Board" shall mean the Persons authorized to execute in each District all or any of the Powers, Authorities, and Duties vested in or imposed upon the Local Board of Health by this Act : 20
- "The Local Board :"
The Expressions "the Officer of Health," "the Clerk," "the Treasurer," "the Surveyor," "the Inspector of Nuisances," shall 25 mean the Persons respectively appointed to be or authorized to execute the Offices of the Officer of Health, Clerk, Treasurer, Surveyor, and Inspector of Nuisances respectively in each District for the Purposes of this Act.

Short Title, III. And be it enacted, That in citing this Act in other Acts of 30 Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Public Health (Scotland) Act, 1850."

General Board of Health.
General Board of Health for England and Wales to be General Board of Health for Scotland.
IV. And be it enacted, That the General Board of Health acting for the Time being under "The Public Health Act, 1848," or 35 under any subsequent Act renewing, continuing, or extending the same, shall be and constitute a Board for superintending the Execution of this Act, and shall have and execute all the Powers and Duties vested in or imposed on such General Board by this Act ; and the Powers and Duties vested in the General Board by this Act 40 may be exercised and executed by any *Two* Members thereof ; and during any Vacancy in the General Board the continuing Members or Member thereof may act as if no Vacancy had occurred.

V. And

V. And be it enacted, That the General Board may from Time to Time appoint a Secretary, who shall be resident in Scotland, by and through whom all the Business of the General Board arising under this Act shall be exclusively conducted, and such Secretary shall be
 5 removable at the Pleasure of the General Board.

VI. And be it enacted, That the Superintending Inspectors and Clerks and Servants acting for the Time for the General Board under "The Public Health Act, 1848," may be used by the said Board as Superintending Inspectors, Clerks, and Servants under this
 10 Act; and the General Board may from Time to Time appoint so many additional Persons as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary, to be Superintending Inspectors for the Purposes of this Act; and every such Superintending Inspector, whether appointed under "The
 15 Public Health Act, 1848," or under this Act, shall have all the Powers, Duties, and Liabilities vested in or imposed upon any Superintending Inspector by this Act, and shall assist in the Superintendence and Execution of this Act when, where, and in such
 20 Manner as the said Board shall direct, and shall be removable at their Pleasure.

VII. And be it enacted, That there shall be paid to the said Secretary such Salary and to the said Superintending Inspectors acting under this Act such Allowances and Expenses as shall from Time to Time be appointed by the Commissioners of Her Majesty's Treasury
 25 out of any Monies that may from Time to Time be provided by Parliament for that Purpose.

VIII. And be it enacted, That from Time to Time after the passing of this Act, upon the Petition of the Commissioners of Police elected under any Local Act of Parliament, or upon the Petition of
 30 the Provost, Magistrates, and Council, or upon the Petition of not less than *One Tenth* of the Inhabitants rated to the Relief of the Poor, not being less than *Thirty* in the whole, of any City, Town, Burgh, Parish, or Place having a known or defined Boundary, the General Board may, if and when they shall think fit, direct a Superintending Inspector to visit such City, Town, Burgh, Parish, or
 35 Place, and, subject to the Superintendence and Directions of the Sheriff of the County within which the same is situated, to make public Inquiry, by the Examination of Witnesses and otherwise, as to the Sewerage, Drainage, and Supply of Water, the State of the
 40 Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within such City, Town, Burgh, Parish, or Place for paving, lighting, cleansing,
 125. B watching,

General Board of Health may appoint a Secretary.

Power to use Superintending Inspectors, Clerks, and Servants appointed under former Act, and also to appoint additional Superintending Inspectors under this Act, subject to Approval of Treasury.

Salary to Secretary and Allowances to Superintending Inspectors.

Preliminary Inquiry.

Upon Petition of Police Commissioners, Provost, &c., or of Householders, &c., Superintending Inspector to make local Inquiry under Superintendence of the Sheriff.

*Preliminary
Inquiry.*

watching, regulating, supplying with Water, or improving the same, or having relation to the Purposes of this Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters 5 in respect whereof the General Board may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty, or making a Provisional Order, as herein-after mentioned; and such Sheriff is hereby required to take such Superintendence and Direction of such Inquiry as he may find to be 10 necessary or proper.

Inspector to give Notice of Inquiry, and report to General Board the Result of the same.

IX. And be it enacted, That before proceeding in the said Inquiry the said Inspector shall give *Fourteen* Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the 15 Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry will relate, and by causing such Notice to be affixed to the Doors of the principal Churches, public Buildings, and Places where public Notices are usually affixed within such Parts, and in such other 20 Manner as may appear to be necessary; and as soon as can be after the Completion of such Inquiry the said Inspector shall prepare a Report in Writing to the General Board upon the several Matters with respect to which he has been directed to inquire as aforesaid, and upon any other Matters with respect to which he may deem it expedient to 25 report for the Purposes of this Act; and if upon such Report it shall appear to the General Board that the Boundaries which may be most advantageously adopted for the Purposes of this Act are not the same as those of the City, Town, Burgh, Parish, or Place with respect to which Inquiry has been made, they shall cause the same or some 30 other Superintending Inspector to visit the Parts within the Boundaries proposed to be adopted for the Purposes of this Act, and after having given such Notice as is herein-before prescribed, to hear all Persons desirous of being heard before him upon the Subject of the said Report, and to make such further Inquiry and Report to the 35 General Board as they may direct; and upon the Presentation of such Report or further Report the General Board shall cause Copies thereof, and of the Observations of the Sheriff thereon respectively, to be published in the Parts to which such Report or further Report respectively relate, in such Manner as they may direct, and shall also 40 cause other Copies thereof respectively to be deposited with the Town Clerk of any Royal or Parliamentary Burgh affected thereby, and with the Clerk to the Commissioners or Trustees acting under any Local Act of Parliament in force within such Parts for lighting, paving, cleansing,

cleansing, watching, regulating, supplying with Water, or improving such Parts or any of them, or in anywise relating to the Purposes of this Act, and with the Sheriff Clerk of the County in which such City, Town, Burgh, Parish, or Place is situated, and with the Clerk
 5 of the Parochial Board of the Parish or Combination of Parishes the whole or Part of which may be affected thereby ; and if such Report or further Report relate to Parts not being within any Royal or Parliamentary Burgh, the General Board shall cause other Copies of the same, and of the relative Observations by the Sheriff, to be deposited
 10 with the Inspectors of the Poor of any Parish or Parishes in which such Parts, or any of them, may be ; and the Copies so published or deposited shall be accompanied with a Notice stating that within a certain Time, not being less than *One Month* from the Time of such Publication and Deposit, written Statements may be forwarded to the
 15 General Board with respect to any Matter contained in or omitted from the said Report or further Report, or any Amendment proposed to be made therein ; and all such Statements shall be deposited with such Town Clerk, Clerk to Commissioners or Trustees, Sheriff Clerk, Clerk to the Parochial Board, and Inspector of the Poor respectively
 20 in like Manner as the said Copies, and shall, together with said Copies, be open to public Inspection from the Hour of *Eleven* in the Forenoon till the Hour of *Three* in the Afternoon every Day during the Time specified in the last-mentioned Notice, Sundays and Days appointed for general Fasts or Thanksgivings only excepted ; and any
 25 Town Clerk, Clerk to Commissioners or Trustees, Sheriff Clerk, Clerk to the Parochial Board, or Inspector of the Poor who shall refuse to receive any Document or Copy of any Document directed to be deposited with him or them as aforesaid, or to allow such Inspection, shall be liable for every such Offence to a Penalty not exceeding *Five*
 30 *Pounds* ; and after the Expiration of such last-mentioned Notice the General Board may, if they think fit, direct such further Inquiry and Report as to them may seem necessary and proper.

*Preliminary
Inquiry.*

X. And be it enacted, That in the Prosecution of all Inquiries, and in all Procedure under this Act relating thereto or connected
 35 therewith, the Superintending Inspector shall be subject to the Superintendence and Directions of the Sheriff of the County within which the City, Town, Burgh, Parish, or Place to which such Inquiries relate is situated ; and all Reports which may be made by any Inspector to the General Board in Terms of this Act shall,
 40 before being communicated to the General Board, be transmitted by such Inspector, together with all relative Papers and Documents in his Possession, to such Sheriff, who shall consider the same, and thereafter transmit the same, with such Observations as may occur to him, to the Secretary of the General Board ; and the General Board
 125. shall

Superin-
tending In-
spectors
making In-
quiry under
this Act to
be subject to
the Superin-
tendence
and Direc-
tions of the
Sheriffs of
Counties.

shall not take into consideration any Report of a Superintending Inspector until the Observations of such Sheriff are transmitted to such Secretary as aforesaid.

*Application of
the Act.*

Cases in
which Act
shall be put
in force by
Order of
Her Majesty
in Council.

XI. And be it enacted, That if after such Inquiry or further Inquiry as aforesaid it shall appear to the General Board to be expedient 5 that this Act or any Part thereof should be applied to the City, Town, Burgh, Parish, or Place with respect to which Inquiry has been made upon the Petition of such Commissioners of Police or Inhabitants as aforesaid, and within the same Boundaries as those of such City, Town, Burgh, Parish, or Place, and within which 10 there is no Local Act of Parliament in force for paving, lighting (otherwise than for the Profit of Proprietors or Shareholders), cleansing, watching, regulating, supplying with Water, or improving such City, Town, Burgh, Parish, or Place, or any Part thereof, or in anywise relating to the Purposes of this Act, they shall report 15 to Her Majesty accordingly; and if, after such Inquiry or further Inquiry as aforesaid, it appear to the General Board to be expedient that this Act or any Part thereof should be put in force within Boundaries which, though not the same as, are within the Limits of, those of such City, Town, Burgh, Parish, or Place, they shall, if the 20 Petition on which such Inquiry proceeded was subscribed by not less than *One Tenth* of the Inhabitants rated to the Relief of the Poor within such Boundaries, or otherwise if *One Tenth* of the Inhabitants so rated shall thereafter give written Intimation to the General Board of their Consent, report to Her Majesty accordingly; but before any 25 Report shall be made to Her Majesty in either of the Cases aforesaid, the General Board shall deposit or cause to be deposited with the Sheriff Clerk of the County in which such City, Town, Burgh, Parish, or Place is situated, a Draft of such proposed Report, and shall give public Notice of such Deposit by Advertisement in some Newspaper 30 published in such County, or if there be no such Newspaper, then in a Newspaper published in some adjoining County, in order that all Persons interested may have an Opportunity of making Suggestions as to the Terms of such proposed Report to the General Board, who may make such Alterations thereon as to them may seem proper; and 35 at any Time after the Expiry of *Fourteen* Days from the Date of such Deposit, the General Board may adjust and finally settle the Terms of such Report, and may submit the same, as so adjusted and settled, to Her Majesty; and at any Time after Presentation of any such Report as aforesaid, it shall be lawful for Her Majesty, by and with 40 the Advice of Her Privy Council, to order that this Act or any Part thereof shall be applied to and be put in full Force and Operation within the same Boundaries as those of such City, Town, Burgh, Parish, or Place, or within such other Boundaries, being within the Limits

Limits of the said Boundaries as aforesaid, as the Case may be ; and if, after such Inquiry or further Inquiry as aforesaid it appear to the General Board to be expedient that this Act or any Part thereof should be applied within Boundaries not being the same as, nor within
 5 the Limits of, those of the City, Town, Burgh, Parish, or Place from which the said Petition proceeded, or, if within such Boundaries, without *One Tenth* of the Inhabitants rated to the Relief of the Poor within such Limits having subscribed the said Petition, or having subsequently given written Intimation of their Consent thereto as
 10 aforesaid, or that this Act or any Part thereof should be applied within any City, Town, Burgh, Parish, or Place in which any such Local Act of Parliament as aforesaid is in force, they shall make a Provisional Order under their Hands and Seal of Office accordingly, with such Provisions, Regulations, Conditions, and
 15 Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any such Local Act, and the Repeal, Alteration, Extension, or future Execution of the same, and in all respects whatsoever as they may think necessary under all the Circumstances of the Case ; and such Provisional Order shall be
 20 published in the Parts to which the same relates in such Manner as the General Board may direct, and shall be deposited with the Town Clerk of any Royal or Parliamentary Burgh affected thereby, and with the Clerk to the Commissioners or Trustees acting under any such Local Act, and also with the Sheriff Clerk of the County in which
 25 such Parts may be, and with the Inspector of the Poor of the Parish or Combination of Parishes the whole or Part of which may be affected thereby ; and in case it shall be enacted by any Act of Parliament hereafter to be passed that the whole or Part of any Provisional Order or Orders of the General Board, bearing Date within *Three*
 30 Years of the Date of such Act of Parliament, shall be confirmed and be absolute, the whole or Part of such Provisional Order or Orders which shall be so confirmed shall be as binding and of the like Force and Effect as if the same had been expressly enacted by Parliament, and every such Act shall be deemed a Public General
 35 Act ; but no such Provisional Order shall have any Force or Effect, nor shall this Act or any Part thereof be applied in either of the Cases last aforesaid, except for the Purposes of such Inquiry, further Inquiry, Report, or Provisional Order, without the previous Authority of Parliament ; and no such Provisional Order, or any altered or
 40 amended Order, shall be made without such preliminary Deposit and Advertisement of Deposit of the Draft thereof as are herein-before prescribed in reference to Drafts of Reports by the General Board to Her Majesty ; and no such Provisional Order shall be made with respect to any Local Act of Parliament under which any Water-

Cases in which Act shall be put in force by Provisional Order of General Board, and sanctioned by Parliament.

Exception with respect to certain Local Acts for supplying Water.

*Application of
the Act.*

Consent of
Town Coun-
cil, &c. in
certain
Cases.

works Company is empowered to construct Waterworks or supply Water for their own Profit, without the Consent of the Waterworks Company empowered by such Local Act first had and obtained: Provided always, that except for the Purposes of Main Sewerage, no Police District or Royal or Parliamentary Burgh or any Part thereof shall be included in any District not exclusively consisting of the whole or Part of One such Police District or Burgh without the previous Consent of the Commissioners of Police or Town Council, as the Case may be; but nothing herein contained shall be construed to require such Consent to the Constitution of a District exclusively consisting of the whole or Part of One such Police District or Burgh for all or any of the Purposes of this Act, nor to hinder or prevent the Application of all or any of the Provisions of this Act to Parts exclusively consisting of the whole or Part of One such Police District or Burgh, although the same Parts or any of them may have been already included within a District for the Purposes of Main Sewerage: Provided also, that, except for the Purposes of Main Sewerage, no Parts beyond the Boundaries of a Police District or Royal or Parliamentary Burgh shall be included in any District comprising the whole or Part of any such Police District or Burgh, except upon the Petition of a Majority of the Owners of Property and Rate-payers who would be qualified to vote in the Election of Members of a Local Board of Health for the Parts proposed to be so included; but nothing herein contained shall be construed to require such Petition in order to the Constitution of a District exclusively consisting of Parts not within the Boundaries of any such Police District or Burgh, nor to hinder or prevent the Application of all or any of the Provisions of this Act to a District exclusively consisting of such last-mentioned Parts, although the same Parts, or any of them, may have been already included within a District for the Purposes of Main Sewerage.

*Preliminary
Inquiry.*

Costs of pre-
liminary In-
quiry, &c.,
with Consent
of Treasury,
to become a
Charge upon
the General
District
Rates.

XII. And be it enacted, That from and after the making of any such Order in Council, or the passing of any Act of Parliament confirming any Provisional Order of the General Board, the Costs, Charges, and Expenses especially incurred by or under the Direction of the General Board; or of any Superintending Inspector, in relation to any Inquiry or further Inquiry as aforesaid, shall, to such Extent and Amount as the Commissioners of Her Majesty's Treasury by Order under their Hands may think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to

to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as shall from Time to Time remain unpaid.

Preliminary Inquiry.

XIII. And be it enacted, That in every District exclusively consisting of the whole or Part of One Police District, or of the whole or Part of One Royal or Parliamentary Burgh, the Commissioners of Police of such Police District, or the Provost, Magistrates, and Councillors of such Burgh, where there are no Commissioners of Police, shall be, within and for such District, the Local Board of Health under this Act; and in every District exclusively consisting of Two or more of such Police Districts or Burghs, or of One or more of such Police Districts or Burghs and also of Part of any other such Police District or Districts, or Burgh or Burghs, or exclusively consisting of Part of Two or more of such Police District or Districts or Burgh or Burghs, such Number of Persons as shall be fixed by such Provisional Order as aforesaid to be selected by each of such Bodies of Commissioners of Police and Councils respectively out of their own Number, and shall be named and selected by such Bodies of Commissioners of Police and Councils accordingly, shall, within and for such District, be the Local Board of Health under this Act; and in every District comprising the whole or Part of any such Police District or Districts, or Burgh or Burghs, and also Parts not within the Boundaries of any such Police District or Burgh, and such Number of Persons as shall be fixed by such Provisional Order to be selected by such Body of Commissioners of Police or by such Council, or by each of such Bodies of Commissioners of Police and Councils respectively out of their own Number, and shall be named and selected by such Body or Bodies of Commissioners of Police or Council or Councils accordingly, shall, together with such Number of Persons as shall be elected as herein-after mentioned in respect of such Noncorporate Parts, be, within and for such District, the Local Board of Health under this Act; and the first Selection by any such Body of Commissioners of Police or Council in pursuance of this Act shall be made on a Day to be appointed by Parliament; and each Person selected by the Body of Commissioners of Police or Council out of their own Number shall be a Member of the Local Board with which he is selected to act so long as he continues without Re-election to be Member of the Body of Commissioners of Police or Council from whom he was selected, and no longer; and in case of any Vacancy in the Number selected some other Person or Persons (as the Case may require) shall be selected by the Body of Commissioners of Police or Council by whom the Person or Persons causing the Vacancy was or were selected, within *One Month* after the Occurrence of the Vacancy.

Local Boards of Health.

Commissioners of Police and Town Council to be the Local Board in certain Districts. Selection, &c. of Local Boards by Town Councils.

Selection of Part of Local Board by Commissioners of Police and Town Councils, and Part by Owners and Rate-payers.

*Local Boards
of Health.*

Election of
Members of
Local Board
by Owners
and Rate-
payers.

XIV. And be it enacted, That in every District comprising the whole or Part of any Police District or Districts or Royal or Parliamentary Burgh or Burghs as aforesaid, and also any Part or Parts not within the Boundaries of any Police District or Districts or Royal or Parliamentary Burgh or Burghs, such Number of Persons, 5 qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid to be elected for such Part or Parts, or for each of such Parts respectively, shall from Time to Time be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, together with the Persons selected as 10 aforesaid in respect of the Corporate Parts of such District, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Police District or Districts or Royal or Parliamentary Burgh or Burghs, but being a District to which this Act may be 15 applied by Order of Her Majesty in Council, such Number of Persons, qualified as herein-after prescribed in this Behalf, as shall be fixed by such Order in Council, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local 20 Board of Health under this Act; and in every District not comprising the whole or Part of any Police District or Districts or Royal or Parliamentary Burgh or Burghs, and being a District to which this Act cannot be applied without the Authority of Parliament, such Number of Persons, qualified as herein-after prescribed, as shall be 25 fixed by such Provisional Order as aforesaid, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and the First Election for any District or Part of a District shall take place on a Day to be appointed by 30 Order of Her Majesty in Council or by Parliament (as the Case may require); and *One Third* of the Number elected for the whole or any Part or Parts of a District respectively shall go out of Office on such Day in each Year subsequently to that of the First Election as shall be appointed by such Order in Council or Provisional Order as 35 aforesaid (as the Case may require); and the Order in which the Persons first elected shall go out of Office shall be regulated by each Local Board: Provided always, that if the Number of Persons to be elected be not divisible by *Three*, the Proportion to go out of Office in each Year shall be regulated by such Order in Council or Provi- 40 sional Order (as the Case may require) so that as nearly as may be *One Third* shall go out of Office in each Year; and if the Number of Persons to be elected for any Part of a District be less than *Three*, the Persons elected shall go out of Office on such Day in each Year, or at such other Period, not being less than a Year, as such Order in 45 Council

Council or Provisional Order (as the Case may require) shall direct; but no Person elected shall in any Case continuously remain in Office for more than *Three* Years; and on the Days appointed for going out of Office a Number of Persons shall be elected equal to the
 5 Number of those so going out, and so many others as may be necessary to complete the full Number of the Local Board of Health in respect of which the Election is to be made.

*Local Boards
of Health.*

XV. And be it enacted, That the Number of Persons to be selected or elected for the whole or any Part of a District shall from
 10 Time to Time be regulated by such Order in Council or Provisional Order as aforesaid (as the Case may require), due Regard being had to the Size and Circumstances of each District, as may appear to be just and proper; and any Member of the Local Board, after going out of Office, resigning, or otherwise ceasing to be such Member;
 15 member, may, if otherwise qualified, be again selected or elected (as the Case may require); and in the event of any Vacancy in the Number of Persons elected, by Death, Resignation, or otherwise, between the Times appointed for Election as aforesaid, or if at any Time the Local Board be without its full Number of Members, the
 20 remaining Members shall continue and be as competent to act until the Time appointed for Election, or until the full Number is selected or elected, (as the Case may require,) as if no Vacancy had occurred; and if any Person be both selected and elected to be a Member of the Local Board he shall, within *Three* Days after Notice thereof
 25 from the Clerk, choose, or in default of such Choice the Local Board of which he is so selected and elected to be Member shall determine, the Title in respect of which he shall serve, and immediately upon such Choice or Determination the Person so selected and elected shall be deemed to be Member only in respect of the Title so chosen or
 30 determined, and his Office as Member in respect of any other Title shall thereupon become vacant.

Regulations as to the Number of Persons to be selected or elected Members of Local Boards.

In case of Vacancies, remaining Members may act.

Persons both selected and elected, &c. to serve in respect of One Title only.

XVI. And be it enacted, That if any Police District or Royal or Parliamentary Burgh or Part thereof be included only for the Purposes of Sewerage in any District comprising any Part or Parts not
 35 within the Boundaries of any such Police District or Burgh, and the last-mentioned Part or Parts, or any of them, be constituted a District or Districts for any other Purposes of this Act, the Persons elected for such Sewerage District shall, within and for the separate District within which they shall have been so elected, be and constitute the Local Board of Health, in the same Manner and as fully to all Intents and Purposes as if they had been expressly elected to constitute the same.

Members elected for Part of a Sewerage District to constitute separate Board for other Purposes of the Act.

*Local Boards
of Health.*
—
Qualification
of elected
Members.

XVII. And be it enacted, That every Person elected as aforesaid shall at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, be resident within the District for which or for Part of which he is elected, or within *Seven Miles* thereof, and be possessed of Real or Personal Estate, or both, to such Value or Amount as shall be fixed by such Order in Council or Provisional Order as aforesaid (as the Case may require), within the Limits next herein-after provided, or be so resident, and rated to the Relief of the Poor of some Parish or Place of which some Part is within such District or Part of a District, upon such annual Value as shall be fixed by such Order in Council or Provisional Order (as the Case may require), within the Limits next herein-after provided; Provided always, that it shall not be lawful to require that any Person be possessed as aforesaid to a Value or Amount exceeding *One thousand Pounds*, or to require that any Person be rated upon an annual Value exceeding *Thirty Pounds*: Provided also, that if Two or more Persons be jointly possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which if equally divided between them would qualify each to be so elected, each of the Persons so jointly possessed or rated may be elected; but the same Property shall not at the same Time qualify both the Owner and the Occupier thereof.

Declaration
to be made
by Members
of Local
Boards be-
fore acting.

XVIII. And be it enacted, That no Person elected as aforesaid, or selected by any Council otherwise than out of their Number, shall act as a Member of the Local Board (except in administering the following Declaration) until he shall have made and signed before Two or more other Members for the District for which he is elected a Declaration in Writing to the Effect following; (that is to say,) 30

‘ I A.B. do solemnly declare, That I am possessed of Real or Personal [or, Real and Personal] Estate to the Value or Amount of [or, that I am rated to the Relief of the Poor of upon the annual Value of].

‘ (Signed) A.B.’ 35

‘ Made before us, C.D. and E. F., Members of
‘ the Local Board of Health for the District
‘ of this Day of

False Decla-
ration to be
an Offence.

And such Declaration shall be made and signed by the Person making the same, and shall be filed and kept by the Clerk; and any Person who shall falsely or corruptly make and subscribe such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of an Offence. 40

XIX. And

XIX. And be it enacted, That any Person elected as aforesaid, or selected by any Council otherwise than out of their own Number, who neglects to make and subscribe the Declaration required by this Act for the Space of *Three* Months next after his Selection or
 5 Election, and any Person selected or elected under this Act who during *Three* successive Months is absent from all Meetings and Committees of the Local Board of which he is elected or selected to be Member, shall be deemed to have refused to act, and shall
 10 cease to be a Member of such Local Board, and his Office as such shall thereupon become vacant.

*Local Boards
of Health.*

Persons neglecting to make Declaration or to act for *Three* Months to cease to be Members.

XX. And be it enacted, That no Bankrupt, Insolvent, or other Person not qualified as aforesaid shall be capable of being elected as aforesaid ; and if any Person, after being so elected or selected by any Council otherwise than out of their own Number, shall lose or dis-
 15 continue to hold his Qualification, or shall become Notour bankrupt, or be sequestrated, or shall apply to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or shall compound with his Creditors, or if any Member selected or elected under this Act shall accept or hold any Office or Place of Profit under the Local
 20 Board of which he is Member, or shall in any Manner be concerned in any Bargain or Contract entered into by such Local Board, or participate in the Profit thereof, or of any Work done under the Authority of this Act in or for the District for which he is Member, then and in every such Case such Person shall, except in the Cases
 25 next herein-after provided, cease to be such Member, and his Office as such shall thereupon become vacant ; and any Person who not being duly qualified to act as a Member of the Local Board, or who has not made and subscribed the Declaration required of him by this Act, or who after being disqualified or disabled from acting by any
 30 Provision of this Act shall so act, shall for every such Offence be liable to a Penalty of *Fifty Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action of Debt ; and in such Action it shall be sufficient for the Pursuer to prove in the first instance that the Defender at the Time when the Offence is alleged
 35 to have been committed acted as such Member ; and the Burden of proving Qualification, and the making and Subscription of the Declaration, or negating Disqualification, by reason of Non-residence, or not being possessed of the requisite Real or Personal Estate, or both, shall be upon the Defender : Provided always, that no Person, being a
 40 Proprietor, Shareholder, or Member of any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, shall be disabled from being, continuing, or acting as Member of the Local Board by reason of any Contract entered into between such Company or Concern and
 125. such

Disqualifications.

*Local Boards
of Health.*

such Local Board; but no such Person shall vote as Member of the Local Board upon any Question in which such Company or Concern is interested: Provided also, that all Acts and Proceedings of any Person disqualified, disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said Declaration, shall, if done previously to the Recovery of the last-mentioned Penalty, be valid and effectual to all Intents and Purposes whatsoever.

*Election of
Local Boards.*
Qualification
of Electors,
and Scale of
voting.

XXI. And be it enacted, That at every such Election as aforesaid the Rate-payers in respect of Property in the District or Part of a District for which the Election is held, and the Owners of such Property, shall be entitled to vote according to the Scale following; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have *One* Vote, if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have *Two* Votes, if it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have *Three* Votes, if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have *Four* Votes, if it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds he shall have *Five* Votes, and if it amount to or exceed Two hundred and fifty Pounds he shall have *Six* Votes; and any Person who is Owner and also bonâ fide Occupier of the same Property shall be entitled to vote both in respect of such Ownership and of such Occupation; and the Votes shall be given, taken, collected, and returned according to the Directions herein-after contained; and the Majority of the Votes actually collected and returned shall be binding on the District or Part of a District for which the Election is had; and whosoever shall not vote or shall not comply with such Directions shall be omitted in the Calculation of Votes, and be deemed to have had no Vote: Provided always, that the Word “Owner” and “Owners,” when used in this Act in relation to the Right of voting at any Election under this Act, shall respectively be construed to mean any Person or Persons for the Time being in the actual Occupation of any Kind of Property assessable for the Relief of the Poor, and not let to him or them at a Rack-Rent, or any Person or Persons receiving, either on his or their own Account, or as Heritable Creditor or Heritable Creditors, or other Incumbrancer or Incumbrancers, in possession, the Rack-Rent of any such Property; and no Person shall be deemed a Rate-payer or be entitled to vote as such at any such Election unless he shall have been assessed for the Relief of the Poor in the District or Part of a District for which he claims to vote for the Space of One whole Year immediately preceding the Day of tendering his Vote, and shall have also paid all Assessments made upon him for the Relief of the Poor in such District or Part

Definition of
the Words
“Owner”
and “Own-
ers” in rela-
tion to the
Right of
Voting.

Election of
Local Boards

Part of a District for the Period of One whole Year, and shall have also paid all such Assessments, and all Rates due from him under this Act, before that Day, in such District or Part of a District, except Assessments or Rates which shall have been made or become
 5 due within the *Six Months* immediately preceding: Provided also, that in case of Property belonging to a Corporation, or to a Joint Stock or other Company, or to any Body of Proprietors, such Corporation, Company, or Body of Proprietors respectively shall be deemed to be One Owner for the Purpose of voting under this Act,
 10 and shall vote by Proxy appointed in Writing duly authenticated (in case of a Corporation), or (in any other Case) under the Hands of *Three* Directors or other Persons in the Direction or Management of the Company or Concern; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern,
 15 shall be entitled to vote individually as Owner in respect of such Property; and no Owner whosoever shall be entitled to vote as such, unless, *Fourteen Days* at least previously to the Day of tendering his Vote, he shall have delivered to the Clerk, or (in case of the first Election) to such Person within the District in which the Qualification
 20 to vote is situate as shall be directed by such Order in Council or Provisional Order (as the Case may require), a Statement in Writing of his Name and Address, and containing a Description of the Nature of his Interest or Estate in the Property giving the Qualification, and a Statement of the Amount of all Rent (if any) which he may receive
 25 or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay the same; and no such Corporation, Joint Stock or other Company, or Body of Proprietors, shall be entitled to vote unless such Statement contain the Name and Address of the Proxy appointed, and a true Copy of the Appointment of such
 30 Proxy.

XXII. And be it enacted, That at every Election by Owners of Property and Rate-payers under this Act the Chairman of the Local Board, or in case of the first Election, such Person as shall be appointed by Order of Her Majesty in Council, or by Provisional
 35 Order of the General Board, (as the Case may require,) shall have the Powers and perform the Duties vested in or imposed upon the said Chairman by this Act in relation to any such Election, and shall perform all other Duties which it may be requisite for him to perform in conducting and completing Elections under this Act; and in case
 40 the Office of Chairman shall be vacant at the Time when any such Power or Duty must be executed or performed, or in case the Chairman or Person appointed as last aforesaid, from Illness or other sufficient Cause, shall be unable to exercise or discharge such Powers or Duties, or shall be absent, or shall refuse to act, some other

Elections, by
whom to be
conducted

125.

E

Person

*Election of
Local Boards.*
—

Person who shall be appointed (in case of the first Election) by such Order in Council or Provisional Order, or (in any other Case) by the Local Board, shall exercise or perform such of the said Powers and Duties as then remain to be exercised or performed; and the Local Board, or (in case of the first Election) the Person appointed 5 by such Order in Council or Provisional Order, shall, before or during the Election, appoint a competent Number of Persons to assist and attend upon the Chairman or the Person so appointed (as the Case may require) in conducting and completing the same.

Production
of Parochial
Books, &c.
for Purposes
of Election.

XXIII. And be it enacted, That the Inspector of the Poor or other 10 Officers of every Parish, wholly or in part within the Parts for which any such Election shall be held, and having the Custody of any Books or Papers relating to the Election of Members of the Parochial Board, or to the Poor Assessment Books relating to any such Parish, shall permit the same to be inspected and Copies or Extracts to be 15 taken therefrom by the said Chairman, or (in case of the first Election) by any Person appointed by such Order in Council or Provisional Order as aforesaid; and the said Chairman may, if he shall see fit, cause to be made an alphabetical List of the Persons entitled to vote 20 at the Election.

List of
Voters, &c.
to be made
if necessary.

Publication
of Notices
previously to
Election.

XXIV. And be it enacted, That the said Chairman shall, *Ten* clear Days before every such Election, prepare, sign, and publish a Notice, which shall contain the Particulars following; that is to say, the Number and Qualification of the Persons to be elected, the Persons by whom and the Places where the Nomination Papers herein-after 25 mentioned are to be received, and the last Day on which they are to be sent, the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting up of the Votes; and he shall also cause such Notice to be affixed on such Places in 30 the Parts for which the Election is to be held as are ordinarily made use of for affixing thereon Notices of Parochial Business: Provided always, that whenever the Day appointed for the Performance of any Act in relation to any such Election shall be on a Sunday or any Day appointed for public Fast or Thanksgiving, such Act shall 35 be performed on the Day next following.

Nomination
and Election
of Candi-
dates.

XXV. And be it enacted, That any Person entitled to vote may nominate for the Office of Member of the Local Board himself (if qualified to be elected), or any other Person or Persons so quali- 40 fied (not exceeding the Number of Persons to be elected); and every such Nomination shall be in Writing, and shall state the Names, Residence, Calling, or Quality of the Persons nominated, and

and shall be signed by the Party nominating, and be sent to the said Chairman; and if the Number of Persons nominated shall be the same or less than the Number of Persons to be elected, such Persons (if duly qualified) shall be deemed to be elected, and shall
 5 be certified accordingly by the said Chairman under his Hand; but if the Number so nominated exceed the Number to be elected, the said Chairman shall cause Voting Papers, in the Form contained in the Schedule (A.) to this Act annexed, to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in
 10 the Order in which the Nomination Papers were received, but it shall not be necessary to insert more than once the Name of any Person nominated; and the said Chairman shall, *Three Days* before the Day of Election, cause One of such Voting Papers to be delivered by the Persons appointed for that Purpose to the Address in the Parts
 15 for which the Election is to be held of each Owner and Proxy, and at the Residence of each Rate-payer qualified to vote therein; and any Person having the written Mandate of any Owner or Rate-payer qualified to vote shall be entitled, at any Time after Notice has been given of the Election as aforesaid, to demand and receive from the
 20 Chairman a Voting Paper, in order to be transmitted to each Owner or Rate-payer: Provided always, that if any Person put in nomination shall tender to the Officer conducting the Election his Refusal in Writing to serve as a Member of the Local Board, and if in consequence of such Refusal the Number of Persons nominated shall be the
 25 same as or less than the Number of Persons to be elected, all or so many of the remaining Candidates as shall be duly qualified shall be deemed to be elected, and shall be certified as such by the Chairman under his Hand.

*Election of
Local Boards.*

XXVI. And be it enacted, That each Voter shall write his Initials
 30 in the Voting Paper delivered to him against the Name or Names of the Person or Persons (not exceeding the Number of Persons to be elected) for whom he intends to vote, and shall sign such Voting Paper; and when any Person votes as a Proxy he shall in like Manner write his own Initials, and sign his own Name, and state also in
 35 Writing the Name of the Corporation, Company, or Body of Proprietors for which he is Proxy: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall attest and write the Name of the Voter against the same, as well as the Initials of such Voter
 40 against the Name of every Candidate for whom the Voter intends to vote.

*Mode of
voting.*

XXVII. And be it enacted, That the said Chairman shall cause the
 Voting Papers to be collected on the Day of Election by the Persons
 125. appointed

*Regulations
as to Collec-
tion of Vot-
ing Papers.*

*Election of
Local Boards.*

appointed or employed for the Purpose in such Manner as he shall direct; but no Voting Paper shall be received or admitted unless the same have been delivered at the Address or Residence as aforesaid of the Voter within the Parts for which the Election is had, or have been delivered to the Mandatory of the Voter as aforesaid, nor unless the same be collected by the Persons appointed or employed for that Purpose, except as next herein-after provided: Provided always, that if any Person qualified to vote shall not have received a Voting Paper as aforesaid, he shall, on Application before that Day to the said Chairman, be entitled to receive a Voting Paper from him, and to fill up the same in his Presence, and then and there to deliver the same to him: Provided also, that in case any Voting Paper duly delivered shall not have been collected, through the Default of the said Chairman, or the Persons appointed or employed to receive the same, the Voter in Person may deliver the same to the said Chairman before Twelve o'Clock at Noon on the Day, or the first Day, (as the Case may be,) appointed for the Examination and casting-up of the Votes.

*Regulations
as to Examination
of
Votes and
Elections
of Local
Boards.*

XXVIII. And be it enacted, That the Chairman shall, on the Day immediately following the Day of the Election, and on as many Days immediately succeeding as may be necessary, attend at the Office of the Local Board, and ascertain the Validity of the Votes, by an Examination of the Rate Books and such other Books and Documents as he may think necessary, and by examining such Persons as he may see fit; and he shall cast up such of the Votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the Number of such Votes for each Candidate; and the Candidates to the Number to be elected who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be elected, and shall be certified as such by the said Chairman under his Hand; and to each Person so elected the said Chairman shall send or deliver Notice of such Election; and the said Chairman shall also cause to be made a List containing the Names of the Candidates, together with (in case of a Contest) the Number of Votes given for each, and the Names of the Persons elected, and shall sign and certify the same, and shall deliver such List, together with the Nomination and Voting Paper which he shall have received, to the Local Board at their first or next Meeting (as the Case may be), who shall cause the same to be deposited in their Office, and the same shall, during Office Hours thereat, be kept open to public Inspection, together with all other Documents relating to the Election, for Six Months after the Election shall have taken place, without Fee or Reward; and the said Chairman shall cause such List to be printed, and Copies thereof to be affixed at the usual Places for affixing Notices of Parochial Business within the Parts for which the Election shall have been made.

*Notices to
be sent to
Persons
elected.*

*List of Persons
elected,
&c. to be
transmitted
to Local
Boards, who
shall deposit
the same,
which shall
be open to
Inspection.*

XXIX. And

XXIX. And be it enacted, That if the said Chairman or other Person charged with taking, collecting, or returning the Votes at any such Election as aforesaid shall neglect or refuse to comply with any of the Provisions of this Act in that Behalf, he shall be
 5 liable for every such Offence to a Penalty not exceeding *Fifty Pounds*; and any Person employed for the Purposes of any such Election, by or under the said Chairman or other Person charged as aforesaid, who shall be guilty of any such Neglect or Refusal, shall be liable for every such Offence to a Penalty not exceeding *Five*
 10 *Pounds*.

*Election of
Local Boards.*

Penalty upon
Persons con-
ducting
Elections
neglecting to
comply with
Provisions of
this Act.

XXX. And be it enacted, That all Proceedings of the Local Board, and of any Person acting as Member or under the Authority thereof, shall, notwithstanding any Defect in the Selection or Election of the Local Board or any Member thereof, be as valid and effectual as
 15 if no such Defect had ever existed.

Defects in
Election, &c.
not to in-
validate Pro-
ceedings.

XXXI. And be it enacted, That the necessary Expenses attendant upon any such Election as aforesaid, and such reasonable Remuneration to Returning Officers and other Persons for Services performed or Expenses incurred by them in relation thereto as shall from Time
 20 to Time be allowed by the Local Board in that Behalf, shall be paid out of the General District Rates to be levied under this Act.

Expenses of
Elections to
be defrayed
out of Ge-
neral District
Rates.

XXXII. And be it declared and enacted, That whenever by any such Provisional Order as aforesaid the Commissioners or Trustees acting under any Local Act of Parliament are constituted the Local
 25 Board of Health under this Act, such Commissioners or Trustees shall, within and for the District to which such Provisional Order applies, exercise and execute the Powers, Authorities, and Duties vested in or imposed on the Local Board by this Act, and so much of this Act as relates to the Appointment, Election, or Selection of
 30 Local Boards of Health shall not apply to such District.

With respect
to the Exe-
cution of the
Act by Com-
missioners
under Local
Acts in
other Cases.

XXXIII. And be it enacted, That the Local Board of every Non-corporate District shall hold an annual Meeting and other Meetings for the Transaction of Business under this Act once at least in each Month, and at such other Times as may be necessary for properly
 35 executing its Powers and Duties under this Act, and shall from Time to Time make Bye Laws with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by such Local Board under this Act: Provided always, that no
 40 Business shall be transacted at any such Meeting unless at least *One Third* of the full Number of Members be present thereat; and

*Meetings, &c. of
Local Boards.*

Meetings
of Local
Boards of
Noncor-
porate Dis-
tricts, and
Regulation
of Business,
&c.

*Meetings, &c. of
Local Boards.*

all Questions shall be decided by a Majority of Votes ; and the Names of the Members present, as well as of those voting upon each Question, shall be recorded ; and the Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their annual Meeting, appoint One of their Number to be Chairman 5 for One Year at all Meetings at which he is present ; and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same, the Members present shall appoint One of their Number to act as Chairman thereat ; and in case the Chairman appointed as first aforesaid die, resign, or become incapable 10 of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to continue in Office, and no longer ; and the Chairman at any Meeting shall have a second or casting Vote in case of an Equality of Votes. 15

*Local
Boards to
provide
Offices for
transacting
Business.*

XXXIV. And be it enacted, That the Local Board shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business and that of their Officers and Servants under this Act, and Documents or Copies of Documents purporting to proceed from the Local Board, and to be signed by any *Five* or 20 more Members thereof, shall be received as *prima facie* Evidence in all Courts and Places whatsoever.

*Committees
may be ap-
pointed.*

XXXV. And be it enacted, That the Local Board may from Time to Time appoint out of their own Number so many Persons as they may think fit, for any Purposes which in the Opinion of the Local 25 Board would be better regulated and managed by means of a Committee : Provided always, that the Acts of every such Committee shall be submitted to the Local Board for their Approval.

Local Officers.

*Power to
Local
Boards to
appoint
Surveyor,
Inspector of
Nuisances,
Clerk, Treas-
urer, &c.*

XXXVI. And be it enacted, That the Local Board shall from Time to Time appoint fit and proper Persons to be Surveyor, In- 30 spector of Nuisances, Clerk, and Treasurer for the Purposes of this Act, and shall appoint or employ such Collectors and other Officers and Servants as may be necessary and proper for the efficient Execution of this Act, and shall make Bye Laws for regulating the Duties and Conduct of the several Officers and Servants so appointed or 35 employed ; and the Local Board may pay, out of the General District Rates to be levied under this Act, to such Officers and Servants, such reasonable Salaries, Wages, or Allowances as the Local Board may think proper ; and every such Officer and Servant shall be removable by the Local Board at their Pleasure, subject nevertheless, 40 in the Case of the Removal of the Surveyor, or Inspector of Nuisances, to the Approval of the General Board : Provided always, that the same Person

Person may be both Surveyor and Inspector of Nuisances ; but neither the Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold; be eligible to, or shall in any Manner assist or officiate in the Office of Clerk ; and neither the Person holding the Office of Clerk; nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer ; and whosoever offends in any of the Cases enumerated in this Proviso shall forfeit and pay the Sum of *One hundred Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Same Person may be Surveyor and Inspector of Nuisances, but not Clerk and Treasurer.

XXXVII. And be it enacted, That no Officer or Servant appointed or employed by or under the Local Board shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act ; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall forfeit and pay the Sum of *Fifty Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Penalty upon Officers, &c. interested in Contracts, or taking Fees improperly.

XXXVIII. And be it enacted, That before any such Officer or Servant enters upon any Office or Employment under this Act by reason whereof he will or may be intrusted with the Custody or Control of Money, the Local Board by whom he is appointed shall require and take from him sufficient Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof ; and every such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within *Seven Days* after he shall have received any Monies on account of such Rates, pay over the same to the Treasurer, and shall, as and when the Local Board may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any such Rate, and the Sums respectively due from them ; and every Officer and Servant appointed or employed by or acting under the Local Board shall respectively, when and in such Manner as shall be required by such Local Board, make out and deliver to them a true and perfect Account in Writing of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by

Officers, &c. intrusted with Money to give Security, and to account.

Local Officers.

Summary
Proceedings
to be taken
in case of
failing to
account, &c.

by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of *Five* 5 Days after being thereunto required he fail to deliver up to the Local Board all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to such Board, then and in every such Case the Sheriff shall, on summary Complaint being made to him in that 10 Behalf, grant Warrant to cite the Party charged to appear and answer the Complaint at a Time and Place to be specified in the Warrant; and upon the Appearance of the Party charged, or upon Proof that he was cited personally, or at his last known Place of Abode or Business, and if it appear to the Sheriff that he has failed to render 15 any such Accounts, or to produce and deliver up any such Vouchers or Receipts, or any such Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, the Sheriff may commit the Offender to Prison, there to remain, without Bail, until he shall have rendered such Accounts, and produced and 20 delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, the Sheriff may grant Warrant for levying the same 25 by Pounding and Sale of his Goods and Effects, and in default of any sufficient Pounding commit him to Prison, there to remain, without Bail, for a Period of *Three* Months, unless such Monies be sooner paid: Provided always, that if the Complainer, by Deposition on Oath, show to the Satisfaction of the Sheriff that there is probable 30 Cause for believing that the Party charged intends to abscond, the Sheriff may without previous Citation cause him to be forthwith apprehended; and in such Case the said Party shall, within *Twenty-four* Hours after Apprehension, be brought before the Sheriff, who may order that he be discharged from Custody, if such Sheriff think 35 that there is no sufficient Ground for Detention, or that he be further detained until he be again brought before the Sheriff at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Sheriff be given for the Appearance of the Party before the Sheriff at such Time and Place: Provided also, that no such Pro- 40 ceeding shall be construed to relieve or discharge any Cautioner or Surety of the Offender from any Liability whatsoever.

Power to
appoint an
Officer of
Health.

XXXIX. And be it enacted, That the Local Board may from Time to Time, if they shall think fit, appoint a fit and proper Person, being

being a legally qualified Medical Practitioner or a Member of the Medical Profession, to be and be called the Officer of Health, who shall be removable by the Local Board, and shall perform such Duties as the General Board shall direct; and the same Person may
 5 be Officer of Health for Two or more Districts; and the Local Board or Boards of the District or Districts respectively for which any such Officer is appointed may pay to him, out of the General District Rates to be levied under this Act, such Remuneration by way of annual Salary or otherwise as the Local Board or Boards
 10 may by Order in Writing determine and appoint, and (in case of a joint Appointment for Two or more Districts) in such Proportions as the General Board may by Order in Writing determine and appoint: Provided always, that the Appointment and Removal of the Officer of Health shall be subject to the Approval of the General
 15 Board.

Local Officers.

XL. And be it enacted, That the Local Board may, if they shall think fit, cause to be prepared, or procure, a Map exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act, upon a Scale to be prescribed by the General Board;
 20 and every such Map shall be kept at the Office of the Local Board, and shall at all reasonable Times be open to the Inspection of the Rate-payers of the District to which it applies.

District Maps,
&c.
Map exhibit-
ing System
of Sewerage.

XLII. And be it enacted, That the Expense of Surveys, Maps, or Plans made, prepared, or procured by the Local Board for the Pur-
 25 poses of this Act shall be defrayed out of the General District Rates to be levied under this Act.

Expense of
Surveys, &c.

XLIII. And be it enacted, That all Sewers, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers the private Property of any Person or Persons, or
 30 made and used, as of private Right, by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land,) together with all
 35 Buildings, Works, Materials, and Things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the Management and Control of the Local Board.

Sewers.
Sewers, &c.
vested in
Local Board.

XLIII. And be it enacted, That the Local Board may, if they shall think fit, purchase the Rights, Privileges, Powers, and Autho-
 40 rities vested in any Person for making Sewers, or contract for the Use of any Sewers within their District, or purchase any such
 125. G Sewers,

Power to
purchase,
&c. certain
Sewers.

Sewers.

Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Local Board; and in case 5 of any such Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Local Board purchasing the same, anything to the contrary notwithstanding: Provided always, 10 that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made. 15

Making, Al-
teration, and
Discontin-
uance of
Sewers
vested in
Local Board.

XLIV. And be it enacted, That the Local Board shall from Time to Time repair the Sewers vested in them by this Act, and shall cause to be made such Sewers as may be necessary for effectually draining their District for the Purposes of this Act; and the Local Board may carry any such Sewers through, across, or 20 under any Turnpike Road, after *Seven* clear Days Notice to the Road Trustees, or other Parties in charge of such Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and, after reasonable Notice in Writing in that Behalf, (if upon the 25 Report of the Surveyor it should appear to be necessary,) into, through, or under any Lands whatsoever; and the Local Board may from Time to Time enlarge, lessen, alter, arch over, or otherwise improve all or any of the Sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to 30 have become unnecessary: Provided always, that the Discontinuance, closing up, or Destruction of any Sewer shall be so done as not to create a Nuisance; and if by reason thereof any Person is deprived of the lawful Use of any Sewer the Local Board shall provide some other Sewer as effectual for his Use as the one of which he is so 35 deprived.

As to cleans-
ing and
emptying
Sewers, &c.
by Local
Board.

XLV. And be it enacted, That the Local Board shall cause the Sewers vested in them by this Act to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Pur- 40 pose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause

cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or to cause the Sewage and Refuse therefrom to be collected for Sale for any Purpose whatsoever, but so as not to create a Nuisance.

Sewers.

- 5 XLVI. And be it enacted, That it shall not be lawful to cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board, nor to cause any Building to be newly erected over any such last-mentioned Sewer, nor to cause any Vault, Arch, or Cellar to be newly built or constructed under the Carriageway of any Street, without the written Consent of the Local Board first had and obtained; and whosoever offends against this Enactment shall forfeit to the Local Board the Sum of *Five Pounds*, and a further Penalty of *Forty Shillings* for every Day during which the Offence is continued after Notice in Writing from 10 them in this Behalf; and if any Sewer, Drain, Building, Vault, Arch, or Cellar be made, erected, or constructed contrary to this Enactment the Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the Expenses incurred by them in so doing shall be repaid to them by the 15 Offender, and be recoverable from him in the summary Manner herein-after provided.

Penalty for making unauthorized Sewers, and building over Sewers and under Streets.

- XLVII. And be it enacted, That any Owner or Occupier of Premises adjoining or near to but beyond the Limits of any District may cause any Sewer or Drain of or from such Premises to communicate with any Sewer of the Local Board upon such Terms and Conditions as shall be agreed upon between such Owner and Occupier and such Local Board, or, in case of Dispute, as shall be settled by Arbitration in the Manner provided by this Act.

Use of Sewers by Persons beyond the District.

- XLVIII. And be it enacted, That if it shall appear to a Majority of 30 not less than *Three Fifths* of the Inhabitants assessed for the Relief of the Poor of any Parish or Place in which this Act shall not have been applied by Order in Council or Provisional Order as aforesaid, assembled at a public Meeting to be called on Notice as is herein-after provided, that it would contribute to the Health and Convenience of 35 the Inhabitants that any Pond, Pool, open Ditch, Sewer, Drain, or Place containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, should be drained, cleansed, covered, or filled up, or that a Sewer should be made or improved, a Well dug, or 40 a Pump provided, for the public Use of the Inhabitants, the Sheriff of the County within which such Parish or Place is situated shall, on receiving Security to his Satisfaction for Payment of the Expense thereof,

As to Construction of Sewers, Wells, Pumps, &c. for Parishes, &c. with less than 2,000 Inhabitants, and in which this Act is not otherwise applied.

Sewers.

thereof, procure a Plan and an Estimate of the Cost of executing such Works, or any of them, and shall lay the same before another public Meeting of such Inhabitants, to be called on Notice as is herein-after provided; and if the same shall be approved and sanctioned by a Majority of such Inhabitants assembled at such last- 5 mentioned Meeting, such Sheriff shall, on receiving Security to his Satisfaction as aforesaid, cause the Works in respect of which such Estimate shall have been made and sanctioned as aforesaid to be executed, and shall pay the Cost thereof out of an Assessment to be levied under the Authority of such Sheriff along with, and in the 10 same Way and Manner as, the Poor Assessments of such Parish or Place: Provided always, that Notice of every such Meeting shall be given by such Sheriff as is by this Act directed to be given by Superintending Inspectors, before proceeding upon Inquiries previously to the Application of this Act, and every such Notice shall also 15 contain a Statement of the Works proposed or intended to be submitted for Consideration and Approval: Provided also, that it shall be lawful for the Sheriff to exempt from Liability for such Assessment any Party or Parties not present at and consenting to the Proceedings of such Meeting or Meetings, whom he may con- 20 sider to have no Interest in the Object of such Assessment.

Drains, &c.

No House to
be erected or
rebuilt with-
out Drains,
&c.

XLIX. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House which may have been pulled down to or below the Roof of the Floor commonly called the Ground or Street Floor, or to occupy any House so newly erected or rebuilt, unless 25 and until a covered Drain or Drains be constructed, of such Size and Materials, and at such Level, and with such Fall, as upon the Report of the Surveyor shall appear to be necessary and sufficient for the proper and effectual Drainage of the same and its Appurtenances; and if the Sea, or a Sewer of the Local Board, or a Sewer which 30 they are entitled to use, be within *One hundred* Feet of any Part of the Site of the House to be built or rebuilt, the Drain or Drains so to be constructed shall lead from and communicate with such one of those Means of Drainage as the Local Board shall direct, or if no such Means of Drainage be within that Distance, 35 then the last-mentioned Drain or Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the Local Board shall direct; and whosoever erects or rebuilds any House or constructs any Drain contrary to this Enact- 40 ment shall be liable for every such Offence to a Penalty not exceeding *Fifty Pounds*, which may be recovered by Action of Debt, at the Instance of the Procurator Fiscal of the County within which such Offence is committed, or of the Surveyor of the Local Board acting under

- under Authority of the Local Board, to the Use of which Board such Penalty shall be applied, together with full Costs of Suit; and if at any Time, upon the Report of the Surveyor, it appear to the Local Board that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without any Drain, or without such a Drain or Drains communicating with the Sea or a Sewer as is or are sufficient for the proper and effectual Drainage of the same and its Appurtenances, and if the Sea, or a Sewer of the Local Board, or a Sewer which they are entitled to use, be within Local Board may, upon Report of Surveyor that any House is without a Drain, cause one to be constructed, &c.
- 10 *One hundred* Feet of any Part of such House, they shall cause Notice in Writing to be given to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to construct and lay down, in connexion with such House and One of those Means of Drainage, One or more
- 15 covered Drain or Drains, of such Materials and Size, at such Level, and with such Fall, as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so
- 20 doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided.

- L. And be it enacted, That it shall not be lawful newly to erect
- 25 any House, or to rebuild any House pulled down to or below the Roof of the Floor commonly called the Ground or Street Floor, without a sufficient Watercloset or Privy; and whosoever offends against this Enactment shall be liable to a Penalty not exceeding *Twenty Pounds*; and if at any Time, upon the Report of the Surveyor, it appear to the
- 30 Local Board that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without a sufficient Watercloset or Privy, the Local Board shall give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified
- 35 therein, to provide a sufficient Watercloset or Privy; and if such Notice be not complied with, the Local Board may, if they shall think fit, cause to be constructed a sufficient Watercloset or Privy, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be recoverable by them from the Owner
- 40 in a summary Manner, or, by Order of the Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided: Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if, in the Opinion of the Local
- Penalty on Persons erecting Houses without Water-closets, &c.
Local Board may, upon Report of Surveyor, order Water-closets, &c. to be erected in Houses, whether built before or after this Act is applied, &c.
125. H Board,

Drains, &c.

Board, a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

Provision for
Removal of
Ashes, &c.

LI. And be it enacted, That it shall be lawful for the Local Board in each District to make such Provision as they shall think fit for the due Removal of the Ashes and other Refuse of each House within 5 such District by the Occupier or Occupiers of such House.

Certain
Water-
closets to be
constructed
in Factories,
&c.

LII. And be it enacted, That if at any Time it appear to the Local Board, upon the Report of the Surveyor, that any House is used or intended to be used as a School or Factory or Building in which Persons of both Sexes, and above *Twenty* in Number, are employed 10 or intended to be employed at One Time in any Manufacture, Trade, or Business, the Local Board may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the 15 separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding *Twenty Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day during which the Default is continued. 20

Notice of
building and
rebuilding,
with respect
to Levels of
Houses, Si-
tuation of
Privies, &c.

LIII. And be it enacted, That, *Fourteen* Days at the least before beginning to dig or lay out the Foundations of or for any new House, or to rebuild any House pulled down to the Extent aforesaid, the Person intending so to build or rebuild shall give to the Local Board 25 written Notice thereof, together with the Level or intended Level of the Cellars or lowest Floor, and the Situation and Construction of the Privies and Cesspools to be built, constructed, or used in connexion with such House; and it shall not be lawful to begin to build or rebuild any such House, or to build or construct any such Privy or Cesspool, until the Particulars so required to be stated have 30 been approved by the Local Board; and in default of such Notice, or if any such House, Privy, or Cesspool be built, rebuilt, or constructed as aforesaid without such Approval, or in any respect contrary to the Provisions of this Act, the Offender shall be liable to a Penalty not exceeding *Fifty Pounds*; and the Local Board may, 35 if they shall think fit, cause such House, Privy, or Cesspool to be altered, pulled down, or otherwise dealt with as the Case may require, and the Expenses incurred by them in so doing shall be repaid by the Offender, and be recoverable from him in the summary Manner herein-after provided: Provided always, that if the Local Board fail 40 to signify their Approval or Disapproval of the said Particulars for the Space of *Fourteen* Days after receiving such Notice it shall be lawful

lawful to proceed according to such Notice if the same be otherwise in accordance with the Provisions of this Act.

Drains, &c.

LIV. And be it enacted, That the Local Board shall see and provide that all Drains whatsoever, and the Waterclosets, Privies, Cesspools, and Ashpits within their District, are constructed and kept so as not to be a Nuisance or injurious to Health; and the Surveyor may, by written Authority of the Local Board (who are hereby empowered to grant such Authority, upon the written Application of any Person showing that the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise), and after *Twenty-four* Hours Notice in Writing, or in case of Emergency without Notice, to the Occupier of the Premises to which such Drain, Watercloset, Privy, Cesspool, or Ashpit is attached or belongs, enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open such Drain, Watercloset, Privy, Cesspool, or Ashpit; and if the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which such Examination is made be found to be in proper Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the Local Board; but if upon such Examination such Drain, Watercloset, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require Alteration or Amendment, he shall cause the Ground to be closed, and the Local Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with, the Person to whom it is given shall be liable to a Penalty not exceeding *Ten Shillings* for every Day during which he continues to make default, and the Local Board may, if they shall think fit, execute such Works, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Local Board to provide that Drains, Waterclosets, &c. do not become a Nuisance.

LV. And be it enacted, That the Local Board shall from Time to Time and at all convenient Times provide that all Streets within their District, including the Foot Pavements thereof, are properly swept, cleansed, and watered, and that all Dust, Ashes, Rubbish, Filth, Dung, and Soil thereon are collected and removed; and they may make Bye Laws with respect to the Removal by the Occupier, or (in case of his Default) by the Local Board, of Dust, Ashes, Rubbish,

Surface Cleansing, &c.

Cleansing of Streets, Removal of Dust, &c.

*Surface
Cleansing, &c.*
—

Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any House, Stable, Cowhouse, Street, or Place whatsoever, and for preventing the Deposit thereof in or by the Side of any Street, or so as to be a Nuisance to any Person, and with respect to the Times and Manner of cleansing and emptying Water-closets, Privies, and Cesspools. 5

Local Board
to cause
Places for
Deposit of
Dust, Soil,
&c. to be
provided.

LVI. And be it enacted, That the Local Board may, in their Discretion, provide, in proper and convenient Situations, Boxes or other Conveniences for the temporary Deposit and Collection of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the 10 Deposit of the Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected by such Board; and all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish so collected by the Local Board, or in any Convenience provided as aforesaid, shall be vested in and be sold and disposed of by such Local Board, and the Proceeds thereof 15 shall be carried to the District Fund Account herein-after mentioned; and whosoever, without the Consent of the Local Board, collects or removes any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish belonging to them, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*. 20

Public
Necessaries.

LVII. And be it enacted, That the Local Board may, if they think fit, provide and maintain, in proper and convenient Situations, and so as not to create a Nuisance, Waterclosets, Privies, and other similar Conveniences for public Accommodation, and defray the necessary Expenses out of the District Rates to be levied under this 25 Act.

Nuisances.
—
Offensive
Ditches,
Drains, &c.
to be
cleansed or
covered.

LVIII. And be it enacted, That the Local Board shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, 30 Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, 35 or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge thereof, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Local Board shall execute the Works mentioned or referred to therein, and the Expenses incurred by 40 them in so doing shall be recoverable by them from him in a summary

summary Manner, or by Order of the Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided: Provided always, that the Local Board may order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the Special or General District Rates to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly.

Nuisances.

- 10 LIX. And be it enacted, That whosoever keeps any Swine or Pigstye in any Dwelling House, or so as to be a Nuisance to any Person, or wilfully or negligently suffers any waste or stagnant Water to remain in any Cellar or Place within any Dwelling House for *Twenty-four* Hours after written Notice to him from the Local Board to remove the same, and whosoever wilfully or negligently allows the Contents of any Watercloset, Privy, or Cesspool to overflow or soak therefrom, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*, and to a further Penalty of *Five Shillings* for every Day during which the Offence is continued; and the Local Board shall abate or cause to be abated every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Occupier of the Premises upon which the same exists, and be recoverable from him in the summary Manner herein-after provided; and if at any Time it appear to the Inspector of Nuisances that any Accumulation of Manure, Dung, Soil, or Filth, or other offensive or noxious Matter whatsoever, ought to be removed, he shall give Notice to the Person to whom the same belongs, or to the Occupier of the Premises whereon it exists, to remove the same; and if at the Expiration of *Twenty-four* Hours after such Notice the same be not complied with, the Manure, Dung, Soil, or Filth, or Matter referred to, shall be vested in and be sold or disposed of by the Local Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned.
- 35 LX. And be it enacted, That if upon the Certificate of the Officer of Health (if any), or of any Two Medical Practitioners, it appear to the Local Board that any House or Part thereof is in such a filthy or unwholesome Condition that the Health of any Person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any House or Part thereof would tend to prevent or check infectious or contagious Disease, the Local Board shall give Notice in Writing to the Owner or Occupier of such House or Part thereof to whitewash, cleanse, or purify the same, as the Case may

Penalties for keeping Swine, &c. in improper Situations, allowing waste Water to remain in Cellars, &c.

Removal of Filth, on Certificate of Inspector of Nuisances.

Houses to be purified, on Certificate of Officer of Health, or of Two Medical Practitioners.

Nuisances.

may require; and if the Person to whom Notice is so given fail to comply therewith within such Time as shall be specified in the said Notice, he shall be liable to a Penalty not exceeding *Ten Shillings* for every Day during which he continues to make default; and the Local Board may, if they shall think fit, cause such House, 5 Building, or Part thereof to be whitewashed, cleansed, or purified, and the Expenses incurred by them in so doing shall be repaid by the Owner or Occupier in default, and be recoverable from either of them in the summary Manner herein-after provided.

Slaughter-houses, &c.

Slaughter-houses to be registered.

LXI. And be it enacted, That every Building or Place used as a 10 Slaughter-house shall, within *Three Months* after this Act is applied to the District in which it is situate, or in the Case of a Building or Place newly used as a Slaughter-house after that Time, within *Three Months* after the Commencement of such Use, be registered by the Owner or Occupier thereof at the Office of the Local Board in 15 a Book which shall be kept by such Board for that Purpose; and whosoever uses or suffers to be used any Building or Place as a Slaughter-house without its being registered as required by this Act shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Ten Shillings* for every 20 Day during the Continuance of the Offence after written Notice thereof from the Local Board.

Local Board may provide Slaughter-houses, and make Bye Laws with respect to Slaughter-houses in general.

LXII. And be it enacted, That the Local Board may from Time to Time, if they shall think fit, provide Premises for the Purpose of being used as Slaughter-houses; and they shall make Bye Laws 25 for and with respect to the Management and Charges for the Use of the Premises so provided, and with respect to the Inspection of all Slaughter-houses, and for keeping the same in a cleanly and proper State: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of 30 any Persons incorporated by any Local Act of Parliament passed before the passing of this Act for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Burgh, or Place.

Power to Inspector of Nuisances to enter Places used for Sale of Butchers Meat, &c.

LXIII. And be it enacted, That in any Shop, Building, Stall, or 35 Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, no Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man shall be kept or retained, unless entirely separate and apart from any Animal, Carcase, Meat, Poultry, Game, 40 Flesh, or Fish which is intended for such Food, nor unless the same be ticketed in large and legible and conspicuous Characters as being unfit for such Food; and any Person who shall keep in any Shop, Building,

Building, Stall, or Place occupied or used by him as aforesaid any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man, otherwise than entirely separate and apart, and ticketed as aforesaid, shall be liable to a Penalty of *Ten Pounds*,
 5 which Penalty may be recovered before the Sheriff in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for; and the Inspector of Nuisances may, and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or
 10 Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for
 15 such Food, the same may be seized; and if it appear to the Sheriff, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and
 20 the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding *Ten Pounds* for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, and as to which the Sheriff shall be satisfied that it
 25 was intended for the Food of Man, which Penalty may be recovered before the Sheriff in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for.

Slaughter-
houses, &c.

LXIV. And be it enacted, That the Business of a Blood-boiler, Bone-boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any
 30 Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place, after this Act is applied to the District in which such Building or Place is situate, without the Consent of the Local Board, unless the General Board shall otherwise
 35 direct; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of *Fifty Pounds*, and a further Penalty of *Forty Shillings* for each Day during which the Offence is continued; and the Local Board may from Time to Time make such Bye Laws with respect to any such Businesses so newly established
 40 as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Offensive
Trades newly
established
to be subject
to Regulation
of Local
Board.

LXV. And be it declared and enacted, That nothing in this Act shall be construed to render lawful any Act, Matter, or Thing whatsoever
 125.

Act not to
affect present
Law as to
ever Nuisances.

ever which but for this Act would be deemed to be a Nuisance, nor to exempt any Person from any Liability, Prosecution, or Punishment to which he would have been otherwise subject in respect thereof.

Lodging Houses.

Common
Lodging
Houses to be
registered.

LXVI. And be it enacted, That it shall not be lawful to keep any common Lodging House unless the same be registered as next 5 herein-after mentioned; and the Local Board shall cause a Register to be kept, in which shall be entered the Name of every Person applying to register any common Lodging House kept by him, and the Situation of every such House; and the Local Board shall from Time to Time make Bye Laws for fixing the Number of Lodgers 10 who may be received into each House so registered, for promoting Cleanliness and Ventilation therein, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the Person keeping any such Lodging House shall give Access to the same when required by any Persons 15 who shall produce the written Authority of the Local Board in this Behalf, for the Purpose of inspecting the same, or for introducing or using therein any disinfecting Process, and the Expenses incurred by the Local Board in so introducing or using any disinfecting Process shall be recoverable by them in a summary 20 Manner from the Person keeping the Lodging House in which the same shall have been used or introduced; and whosoever shall receive Lodgers in any common Lodging House without having registered the same as required by this Act, or shall refuse to admit therein, at any Time between the Hour of *Eleven* in the Forenoon 25 and the Hour of *Four* in the Afternoon, any Person authorized by the Local Board as last aforesaid, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Penalty on
Neglect.

*Occupation of
Cellars, &c.*

Cellars, &c.
newly built
not to be let
as Dwelling
Rooms.

No Cellars,
&c. to be let
except under
certain Con-
ditions.

LXVII. And be it enacted, That it shall not be lawful, after Prohibition by the Local Board of Health, to let or occupy or suffer 30 to be occupied separately as a Dwelling any Vault, Cellar, or underground Room (not being entirely open on one or other of its Sides) built or rebuilt after the *passing of this Act*, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful after such Prohibition to let or continue to let, or to 35 occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room (not being entirely open on one or other of its Sides) whatsoever, unless the same be in every Part thereof at least *Seven Feet* in Height, measured from the Floor to the Ceiling thereof, nor unless the same be at least *Three Feet* of 40 its Height above the Surface of the Street or Ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage

- Frontage thereof, and upwards from *Six Inches* below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least *Two Feet and Six Inches* wide in every Part, nor unless the same be well and effectually drained by means of a Drain the uppermost Part of which is *One Foot* at least below the Level of the Floor of such Vault, Cellar, or Room, nor unless there be appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy kept and provided according to the Provisions of this Act, nor unless the same have a Fireplace with a proper Chimney or Flue, nor unless the same have of external Window at least *Nine Superficial Feet* in Area clear of the Sash Frame, and made to open in such Manner as shall be approved by the Surveyor, except in the Case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as Part of the same Letting or Occupation, in which Case the external Window may be of any Dimensions, not being less than *Four Superficial Feet* in Area clear of the Sash Frame; but any Person considering himself aggrieved by any such Prohibition may, within *Ten Days* after the same is made known to him, appeal against the same to the Sheriff; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, for Hire or Rent, any Vault, Cellar, or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board in this Behalf: Provided always, that in any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same be so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room a clear Space of *Six Inches* at the least, and that over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window: Provided also, that every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act: Provided further, that the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which shall have been let or occupied as Dwellings before the *passing of this Act*, come into force or operation until the Expiration of *One Year* from the passing of this Act, nor within any District until the Expiration of *Six Months* from the Time when this Act shall have been applied thereto; and all Parochial Boards and Inspectors of
- Occupation of
Cellars, &c.
- Act not to
come into
operation
until the
Expiration
of a certain
Time, in case
of Cellars,
&c. already
occupied as
Dwellings.
- Parochial
Boards, &c.
- the

to give
Notice of
Enactment.

the Poor shall from Time to Time after the *passing of this Act* cause public Notice of the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

5

Streets.
Power to
require Gas
and Water
Pipes to be
moved.

LXVIII. And be it enacted, That if and when for the Purposes of this Act the Local Board deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, 10 Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the Local Board out of the General District Rates levied under this 15 Act; and if such Notice be not complied with the Local Board may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual: Provided also, that 20 where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that 25 respect shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

Notice of
laying out
new Streets
to be given
to Local
Board, who
shall fix the
Levels and
Widths
thereof.

LXIX. And be it enacted, That *One Month* at the least before any Street is newly laid out as aforesaid written Notice shall be given to the Local Board, showing the intended Level and Width 30 thereof; and the Level and Width of every such Street shall be fixed by the Local Board, and it shall not be lawful to lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width so fixed, unless, upon Disapproval by the Local Board of the Level or Width specified in such Notice, the 35 Sheriff shall otherwise direct; and whosoever shall lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width fixed by the Local Board, or approved by the Sheriff, shall be liable for every such Offence to a Penalty not exceeding *Twenty Pounds* for every Day during which he shall 40 permit or suffer such Street to continue to be so improperly laid out, made, or built upon; and the Local Board may, if they shall think fit, cause any such Street laid out or made at a Level or Width

Width otherwise than in accordance with the Level and Width so fixed or approved as aforesaid, or any Building built in any such Street otherwise than in accordance with such Level and Width, to be altered in such Manner as the Case may require, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner : Provided always, that if no such Level or Width be fixed, and no Approval or Disapproval of the Level or Width proposed be signified by the Local Board within *One Month* from the last-mentioned Notice, the intended Street may be laid out and made upon the Level and of the Width specified in such Notice, if the same be otherwise in accordance with the other Provisions of this Act.

LXX. And be it enacted, That the Local Board may, after public Notice, given in such Way and Manner as the Sheriff shall direct, for at least *Three Months* next prior to an annual Election of Members of the Local Board, whether consisting of Commissioners of Police or Magistrates and Council, or otherwise, under this Act, and at any Time not sooner than *Three* nor later than *Six Months* after such Election, purchase by Agreement, with the Approval of the General Board, any Premises for the Purpose of widening, opening, enlarging, or otherwise improving any Street ; and any Part of the Premises so purchased which shall not be wanted for that Purpose shall be resold at the best Price that can be got for the same, and the Proceeds of such Resale shall be carried to the District Fund Account herein-after mentioned.

LXXI. And be it enacted, That, after public Notice given and published, and within the Period limited as aforesaid, the Local Board, with the Approval of the General Board, may provide, maintain, lay out, plant, and improve Premises for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

LXXII. And be it enacted, That the Local Board may provide their District with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act ; and for those Purposes, or any of them, the Local Board may from Time to Time, with the Approval of the General Board, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper ; and any Waterworks Company may contract

Supply of Water.

In case of Waterworks constructed by Local Board, the Water may be kept constantly under Pressure.

Local Board not to construct Waterworks, &c. if any Waterworks Company within their District be able and willing to supply Water upon Terms.

with the Local Board to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any Local Board willing to take the same ; and the Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure 5 and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect 10 of which any Waterworks Company shall have been established for supplying Water, the Local Board shall give Notice in Writing to every Waterworks Company within whose Limits the Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is 15 required by the Local Board; and it shall not be lawful for the Local Board to construct or lay down any Waterworks within such Limits if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Local Board, and upon such Terms as 20 shall be certified to be reasonable by the General Board, after Inquiry and Report by a Superintending Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act ; and in case any Difference shall arise as to 25 whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act. 30

Local Board may require that Houses be supplied with Water, &c. in certain Cases.

LXXIII. And be it enacted, That if upon the Report of the Surveyor it appear to the Local Board that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding *Two-pence* per Week, the Local Board shall give Notice in Writing to the Occupier, requiring 35 him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose ; and if such Notice be not complied with the Local Board may, if they shall think fit, do such Works, and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not 40 exceeding in the whole the Rate of *Two-pence* per Week, in manner herein-after provided, as if the Owner or Occupier of the Premises had demanded a Supply of Water, and were willing to pay Water Rates for the same ; and the Expenses incurred by them in doing such

such Works as last aforesaid shall be Private Improvement Expenses, Supply of Water. and be recoverable as such in the Manner herein-after provided.

LXXIV. And be it enacted, That the Local Board may, if they shall think fit, supply Water from any Waterworks purchased or constructed by them under this Act to any public Baths or Wash-houses, or for trading or manufacturing Purposes, upon such Terms and Conditions as may be agreed upon between the Local Board and the Persons desirous of being so supplied. Water for public Baths, or trading or manufacturing Purposes.

LXXV. And be it enacted, That the Local Board may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, or they may substitute, continue, maintain, and plentifully supply with Water other such Works equally convenient; and the Local Board may, if they shall think fit, construct any Number of new Cisterns, Pumps, Wells, Conduits, and Works for the gratuitous Supply of any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Poor or Burgh Assessments. Maintenance and Construction of public Cisterns for gratuitous Use.

LXXVI. And be it enacted, That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Local Board, or constructed, continued, or maintained under this Act, in any Parish or Place in which there shall be no Local Board, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Local Board, or so constructed, continued, or maintained in any such Parish or Place, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the Local Board, shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Penalty of *Twenty Shillings* for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board, to the Parochial Board, to be by them applied in aid of the Assessment for the Relief of the Poor of such Parish or Place: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed. Penalty for injuring Waterworks, diverting Streams, or wasting Water.

LXXVII. And be it enacted, That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to Penalties on Persons for causing

Water in
Reservoirs
to be fouled ;

and on Pro-
prietors of
Gasworks,
&c.

to or under the Management or Control of the Local Board, or in any Reservoir, Conduit, Aqueduct, or other Waterworks constructed, continued, or maintained under this Act in any Parish or Place in which there shall be no Local Board, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Local Board or under their Management or Control, or whereby any Water of or contained in any such Reservoir, Conduit, Aqueduct, or other Waterworks so constructed, continued, or maintained in any such Parish or Place as aforesaid shall be fouled, shall for every such Offence forfeit a Sum not exceeding *Five Pounds* and a further Sum of *Twenty Shillings* for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Parochial Board, to be by them applied in aid of the Assessment for the Relief of the Poor of such Parish or Place; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Local Board for every such Offence the Sum of *Two hundred Pounds*, and, after the Expiration of *Twenty-four* Hours Notice in Writing from them in this Behalf, a further Sum of *Twenty Pounds* for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the Local Board be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Local Board for every such Offence a Sum not exceeding *Twenty Pounds*, and a further Sum not exceeding *Ten Pounds* for every Day whilst the Offence is continued after the Expiration of *Twenty-four* Hours Notice in Writing from the Local Board in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the Local Board may lay open and examine any Pipes, Conduits, and Works

Works from which the Gas is supposed to escape; provided that before beginning so to do *Twenty-four* Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.

LXXVIII. And for the Purpose of preventing the manifold Evils occasioned by the Retention of the Dead in the Dwellings of the Poor, be it enacted, That the Local Board may, if they shall think fit, provide, fit up, and make Bye Laws with respect to the Management and Charges for the Use of Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the Local Board may, upon proper Application, and subject to such Regulations and at such Rates and Charges as shall be prescribed by any such Bye Laws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

LXXIX. And be it enacted, That if upon the Representation of the Local Board, and after Inquiry and Report by a Superintending Inspector, and made, notified, and published in manner herein-before directed with respect to the Inquiry and Report of Superintending Inspectors previously to the Constitution of a District under this Act, and after Inquiry by such other Ways and Means as the General Board may think fit to direct, the General Board shall certify (such Certificate to be published in the Edinburgh Gazette, and in some One or more of the public Newspapers usually circulated within the District) that any Burial Ground situate within any District to which this Act is applied is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within any such District is dangerous to the Health of Persons frequenting the same, by reason of the surcharged State of the Vaults or Graves within

Burial Grounds. — within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful, after a Time to be named in such Certificate, to bury or permit or suffer to be buried any further Corpses or Coffins in, within, or under 5 the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever, after Notice of such Certificate, buries, or causes, permits, or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of *Twenty* 10 *Pounds.*

As to Interments within Churches or Burial Grounds newly erected or formed. LXXX. And be it enacted, That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in any District after the *passing of this Act*, and no Burial Ground shall be made or formed 15 within any District after *the passing of this Act*, without the Consent of the Sheriff first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before the passing of this Act; and whosoever shall bury, or cause, permit, 20 or suffer to be buried, any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment, shall for every such Offence be liable to a Penalty not exceeding *Fifty Pounds*, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt. 25

Purchase, &c. of Lands. — *Power to Local Boards to purchase Lands, &c. under 8 & 9 Vict. c. 19.* LXXXI. And be it enacted, That the Local Board, by Agreement, may purchase, or take upon Lease, sell, or exchange, any Lands or Premises for the Purposes of this Act; and “The Lands Clauses Consolidation (Scotland) Act, 1845,” except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise 30 than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act 35 the Expression “the Promoters of the Undertaking,” wherever used in the said Lands Clauses Consolidation Act, shall mean the Local Board mentioned in this Act; and all Lands and Premises which shall be purchased, hired, or taken on Lease by the Local Board of any Noncorporate District shall be disposed and conveyed, to such 40 Local Board and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate.

LXXXII. And

- LXXXII. And be it enacted, That the Local Board may enter into all such Contracts as may be necessary for carrying this Act into execution; and every such Contract whereof the Value or Amount shall exceed *Ten Pounds* shall be in Writing, and signed by
 5 *Five* or more Members of the Local Board, and shall specify the Work, Materials, Matters, or Things to be furnished, had, or done, the Price to be paid, and the Time or Times within which the Contract is to be performed, and shall fix and specify some pecuniary Penalty to be paid in case the Terms of the Contract are not duly
 10 performed; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Local Board by whom the same is executed, and their Successors, and upon all other Parties thereto, and their Heirs, Executors, Successors, or Assignees, to all Intents and Purposes: Provided always, that the Local Board
 15 may compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract, or in any Bond or otherwise, for such Sums of Money or other Recompence as to such Local Board may seem proper:
 20 Provided also, that before contracting for the Execution of any Works under the Provisions of this Act the Local Board shall obtain from the Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same; also a Report as to the
 25 most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years or otherwise: Provided further, that before any Contract of the Value or Amount of *One hundred Pounds* or upwards is entered into by
 30 the Local Board, *Ten Days* public Notice at the least shall be given expressing the Nature and Purpose thereof, and inviting Tenders for the Execution of the same; and the Local Board shall require and take sufficient Security for the due Performance of the same.
- LXXXIII. And be it enacted, That whenever any Expenses are incurred or to be incurred by the Local Board in making, enlarging, altering, arching over, covering, or enclosing any Sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters,
 40 and Things of a permanent Nature, and executed or done for the Benefit of any District or Part of a District, the Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, a Rate or Rates, to be called "Special District
 125. M Rates,"

Contracts.
 Contracts by
 Local Board.

Composition
 for Penalties
 in respect of
 Breach of
 Contracts.

Estimates
 to be made
 before com-
 mencing
 Works.

As to Con-
 tracts above
 the Value of
 100*l*.

Rates.
 Special Dis-
 trict Rate.

Rates.

Rates," of such Amount as will be sufficient to discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding *Thirty* Years, as the Local Board shall in each Case determine: Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the Local Board that any 5 Premises were sufficiently drained before the new Sewer was made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may, under all the Circumstances of the Case, deem to be just.

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Persons
aggrieved by
Special Dis-
trict Rate or
Improvement
Rate may
appeal to the
Sheriff.

LXXXIV. And be it enacted, That if any Person shall consider himself aggrieved by or be dissatisfied with any Work, Matter, or Thing proposed by the Local Board of Health to be executed or done, and in respect of which such Person may be made chargeable to any Special District Rate or Improvement Rate in Terms of this 15 Act, whether by reason of the Nature or Extent or Expense of such Work, Matter, or Thing, or otherwise, it shall be lawful for such Person at any Time before public Notice shall have been given by such Local Board of Health of any proposed Assessment for or in respect of such Work, Matter, or Thing, or at any Time within *Four* 20 Weeks after such Notice, to appeal against the same to the Sheriff.

District
Fund Ac-
count to be
kept.

LXXXV. And be it enacted, That the Treasurer shall keep a separate Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board in defraying such of 25 the Expenses incurred or to be incurred by the Local Board in carrying this Act into execution, and not otherwise expressly provided for, as they may think proper; and the Local Board shall from Time to Time, when and as often as Occasion may require, make and levy, in addition to any other Rate, a Rate or Rates to 30 be called "General District Rates," for defraying such Expenses as are charged upon that Rate by this Act, and such other Expenses of executing this Act in any District as are not provided for by any other Rate, or defrayed out of the said District Fund Account.

General Dis-
trict Rate.

Property as-
sessable to
Special and
General Dis-
trict Rates.

LXXXVI. And be it enacted, That the said Special and General 35 District Rates shall be made and levied upon the Occupier (except in the Cases herein-after provided) of all such Heritable Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the annual Value of such Property ascertained by the Rate (if any) 40 for the Relief of the Poor made next before the making of the respective Assessments under this Act; and for the Purpose of making any such

such Assessment the Local Board, or any Person appointed by them so to do, may from Time to Time, at all reasonable Times, inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within their District, or any Assessments by which the same are made; and whosoever, having the Custody of such last-mentioned Rate or Assessment, refuses to permit such Inspection, or the taking of any such Copy or Extract, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*: Provided always, that if in any District or Part of a District there be no Rate or Assessment for the Relief of the Poor the said Special and General District Rates shall be made upon an Estimate of the annual Value of the several Subjects liable thereto in such District or Part of a District, by a fit Person appointed by the Local Board in that Behalf, and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed by an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland," or any other Act for the Time being in force for regulating Assessments for the Relief of the Poor in Scotland: Provided also, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal, or Towing Path for the same, or as a Railway, constructed under the Powers of any Act of Parliament, for public Conveyance, shall be assessed in respect of the same in the Proportion of *One Fourth* Part only of such annual Value thereof.

Rates.

If in any District there be no Rate for Relief of the Poor, Rates shall be made in manner prescribed by 8 & 9 Vict. c. 83.

LXXXVII. And be it enacted, That the Local Board may make and levy the said Special and General District Rates, or any or either of them, prospectively, in order to raise Money for the Payment of future Charges and Expenses, or retrospectively in order to raise Money for the Payment of Charges and Expenses which may have been incurred at any Time within *Six Months* before the making of the Rate; and if at the Time of making any General or Special District Rate any Premises in respect of which the Rate may be made are unoccupied, such Premises shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the same whilst they continue to be unoccupied; and if any such Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same shall have been fully paid, the Name of the incoming Tenant shall be inserted in the Rate, and thereupon so much of the Rate as at the Commencement of his Tenancy may be in proportion to the Remainder of the said Period shall be collected, 125. recovered,

Rates may be prospective or retrospective.

Assessment to District Rates in case of unoccupied Premises.

Rates.

Apportion-
ment of
Rates be-
tween out-
going and
incoming
Tenants, &c.

Parts of Dis-
trict may be
separately
assessed.

recovered, and paid in the same Manner in all respects as if the Premises had been occupied at the Time when the Rate was made; and if any Owner or Occupier assessed or liable to any such Rate cease to be Owner or Occupier of the Premises in respect whereof he is so assessed or liable before the End of the Period for which the Rate was made, and before the same is fully paid off, he shall be liable to pay only such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier; and in every such Case, if any Person afterwards become Owner or Occupier of the Premises during Part of the said Period, he shall pay such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier, and the same shall be recovered from him in the same Manner as if he had been originally assessed or liable; and the Local Board may from Time to Time divide their District, or any Street therein, into One or more Parts, for all or any of the Purposes of this Act, and make a separate Assessment upon any such Part for and in respect of all or any of the Purposes for which the same is formed; and every such Part, so far as relates to the Purposes in respect of which such separate Assessment is made, shall be exempt from any other Assessment under this Act: Provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Parts of a District in common the same shall be apportioned between them in a fair and equitable Manner.

Private Im-
provement
Rates.

LXXXVIII. And be it enacted, That whenever the Local Board have incurred or become liable to any Expenses which by this Act are or by the Local Board shall be declared to be Private Improvement Expenses, the Local Board may, if they shall think fit, make and levy upon the Occupier of the Premises in respect of which the Expenses shall have been incurred, except in the Cases herein-after provided, in addition to all other Rates, a Rate or Rates, to be called Private Improvement Rates, of such Amount as will be sufficient to discharge such Expenses, together with Interest thereon at a Rate not exceeding *Five Pounds* in the Hundred, in such Period not exceeding *Thirty Years* as the Local Board shall in each Case determine: Provided always, that whenever any Premises in respect of which any Private Improvement Rate is made become unoccupied before the Expiration of the Period for which the Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owner of the Premises so long as the same continue to be unoccupied.

LXXXIX. And

LXXXIX. And be it enacted, That if the Occupier by whom any Private Improvement Rate is paid holds the Premises in respect of which the Rate is made at a Rent not less than the Rack Rent he shall be entitled to deduct *Three Fourths* of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord, and if he hold at a Rent less than the Rack Rent he shall be entitled to deduct from the Rent so payable by him such Proportion of *Three Fourths* of the Rate as his Rent bears to the Rack Rent.

Rates.
Proportion of Private Improvement Rate may be deducted from Rent.

XC. Provided always, and be it enacted, That at any Time before the Expiration of the Period for which any Special District Rate or Private Improvement Rate is made, the Owner or Occupier of the Premises assessed thereto may redeem the same, by paying to the Local Board the Expenses in respect of which the Rate was made, or such Part thereof as may not have been defrayed by Sums already levied in respect of the same.

Redemption of Special District and Private Improvement Rates.

XCI. And be it enacted, That whenever and so long as any Premises are supplied with Water by the Local Board, for the Purposes of domestic Use, Cleanliness, or Drainage, they shall make and levy, in addition to any other Rate, a Water Rate upon the Occupier, and the Rate so made shall be assessed upon the annual Value of the Premises, ascertained in the Manner herein-before prescribed with respect to the said Special and General District Rates; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe, the respective Houses shall be charged with the Payment of Water Rates, in the same Manner as if each House had been supplied with Water by a separate Pipe.

Water Rate.

XCII. And be it enacted, That the said Water Rate shall be payable in advance; and whenever any Person supplied with Water under the Provisions of this Act neglects to pay the Water Rate due from him, upon Demand, the Local Board may prevent the Water from flowing into the Premises of the Defaulter in such Manner as they may think fit, and may recover the Arrears due, together with the Expenses of stopping the Supply, in the Manner herein-after provided with respect to the Recovery of Rates made under the Authority of this Act: Provided always, that the stopping or cutting off any Supply of Water by the Local Board under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

Water Rate payable in advance.
Power to stop Water in case of Nonpayment of Rates.

XCIII. Provided always, and be it enacted, That when the annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of *Ten Pounds*, or whenever any Premises liable

Composition for and Recovery of Rates upon Subjects

under the
annual Value
of Ten
Pounds, &c.

liable to such Assessment are let to weekly or monthly Tenants, or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Local Board may from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of all or any of the 5 Rates to be made under this Act, upon such reduced Estimate of the annual Value, not being less than *Two Thirds* or more than *Four Fifths* of the annual Value at which the Premises are then assessed, as the Local Board shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be 10 rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Poinding and Sale of the Goods and Effects of the Owner in default, where- 15 soever they may be found, or if the Occupier or Occupiers of the Premises, in the same Manner as is herein-after provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so com- 20 pounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Poinding and Sale of his or their Goods and Effects for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by 25 him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due, or from Time to Time becoming due, from him or them, unless there be an Agree- 30 ment to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be, as against the Owner in default, a sufficient Discharge for Rent.

Power to
reduce or
remit Rates
on account
of Poverty.

XCIV. Provided also, and be it enacted, That it shall be lawful for the Local Board to reduce or remit the Payment of any Rate 35 on account of the Poverty of any Person liable to the Payment thereof.

Act not to
affect exist-
ing Agree-
ments be-
tween Land-
lord and
Tenant.

XCV. Provided also, and be it enacted, That nothing in this Act shall alter, interfere with, or affect any Lease, Contract, or Agreement which shall have been made or entered into between 40 Landlord and Tenant before this Act is applied to the District in which the Premises are situate in respect of which the Lease, Contract, or Agreement was made.

XCVI. And

XCVI. And be it enacted, That the Local Board before proceeding to make any General or Special District Rate or Private Improvement Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat.

Rates.
Estimate
to be pre-
pared be-
fore making
Rates.

XCVII. And be it enacted, That public Notice of Intention to make any General or Special District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board in the Week immediately before the Day on which the Rate is intended to be made, and at least *Seven* Days previously thereto; but in case of Proceedings to levy or recover any Rate it shall not be necessary to prove that such Notice was given.

Notice of
Rate.

XCVIII. And be it enacted, That any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*.

Rates to be
open to In-
spection.

XCIX. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Description
of Owner or
Occupier in
Rates if
his Name be
unknown.

C. And be it enacted, That the Local Board may from Time to Time amend any Rate made in pursuance of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name inserted, or by inserting the Name of any Person who ought to have been assessed, or by striking out the Name of any Person who ought not to have been assessed, or by raising or reducing the Sum at which any Person has been assessed, if it appear to the Local Board that he has been under-rated or over-rated, or

Rates may be
amended.

Rates.

by making any other Alteration which will make the Rate conformable to the Provisions of this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that any Person who may feel himself aggrieved by any such Amendment shall have the same Right of Appeal therefrom as he would have had if the Matter of Amend- 5 ment had appeared on the Rate originally made, and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, 10 the Rate shall not be payable by him until *Seven Days* after such Notice shall have been given to him.

Rates made under this Act to be collected as Local Board shall appoint; and not to be affected by Mistake or Misnomer;

and Collectors appointed by Local Board may sue for and recover them summarily as Land and Assessed Taxes.

CI. And be it enacted, That all Rates and Assessments made or collected under the Authority of this Act shall commence and be payable at such Time or Times, and shall be made in such Manner 15 and Form, and be collected by such Persons, and either together or separately, or with any other Rate or Tax, as the Local Board shall from Time to Time appoint; and no Rate or Assessment under this Act shall be rendered void or be affected by reason of any Mistake or Misnomer, but all such Rates and Assessments shall be valid and 20 effectual against the Person intended to be charged and bonâ fide liable in payment of the same; and the Collector or Collectors appointed by the Local Board shall be entitled to sue for and recover all such Rates and Assessments; and the whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions 25 enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to Rates and Assessments imposed under this Act; and the Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for the Recovery of all such Rates and 30 Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided always, that it shall nevertheless be competent to prosecute for and recover such Rates and Assessments by Action in the Sheriff's Small Debt Court; and all Rates and Assessments under 35 this Act shall be preferable to all Debts of a private Nature due by the Parties assessed.

Evidence of Rates.

CII. And be it enacted, That the Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received 40 as primâ facie Evidence of the making and Validity of the Rates mentioned therein.

CIII. And

- CIII. And be it enacted, That the Local Board may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, borrow and take up at Interest, on the Credit of the Rates authorized to be
- 5 made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Local Board may assign over to the Persons by or on behalf of whom such Sums are advanced
- 10 the respective Rates upon the Credit of which the Sums are borrowed; and the respective Assignees shall be entitled to a Proportion of the Rates comprised in their respective Assignations according to the Sums in such Assignations mentioned to have been advanced; and each Assignee shall be repaid the Sums so advanced, with
- 15 Interest, without any Preference over the others of them by reason of any Priority of Advance or the Date of his Assignation: Provided always, that the Money borrowed under the Authority of this Act shall be borrowed only for Works of a permanent Nature, and shall not at any Time exceed in the whole the assessable Value
- 20 for *One Year* of the Premises assessable under this Act within the District or Part of the District for or in respect of which such Money shall be borrowed, and shall (as far as practicable) be borrowed upon the Credit of the respective Rates applicable to the Works, Matters, or Things in respect of which the Money is
- 25 required; and the Money borrowed for the Purpose of defraying any Costs, Charges, or Expenses incurred or to be incurred in respect of Part of a District only shall be charged (as far as practicable) upon the Credit of any separate Rates made or to be made for the Purposes of such Part; and in case any such Costs, Charges, or
- 30 Expenses shall apply to or be incurred in respect of Two or more of such Parts, the Money borrowed in respect of the same shall be equitably apportioned by the Local Board upon any Rates made or to be made for the Purposes of such Parts respectively.

Assignment of Rates.

Rates may be assigned.

No Priority amongst Assignees.

- CIV. And be it enacted, That the Commissioners acting in the
- 35 Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled "An Act to authorize the " Advance of Money out of the Consolidated Fund, to a limited " Amount, for carrying on Public Works and Fisheries and Employ- " ment of the Poor, and to amend the Acts authorizing the Issue of
- 40 " Exchequer Bills for the like Purposes," and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make Advances to the Local Board of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such
125. O Board

Commissioners of Public Works may make Advances to Local Boards under 5 & 6 Vict. c. 9.

Assignment of Rates.

Board under this Act, and without requiring any further or other Security than an Assignment of such Rates.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

CV. And be it enacted, That if the Local Board can at any Time borrow at a lower Rate of Interest than that secured by any Assignment previously made by them, and then outstanding and in force, 5 they may, if they shall think fit, so borrow accordingly, in order, with the Consent of the Assignee, to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to assign under this Act with Payment of the Sum so borrowed, together with the Interest thereon, 10 in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Assignment.

Power to borrow Money to pay off former Assignations.

CVI. And be it enacted, That if at the Time appointed by any Assignment for Payment of the Principal Money secured thereby the Local Board are unable to pay off the same, they may, if 15 they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and 20 Expenses incurred by the Local Board in the Execution of this Act.

Form of Assignment.

CVII. And be it enacted, That every Assignment authorized to be made under this Act shall truly state the Date, Consideration, and the Time and Place of Payment, and shall be signed by *Five* or more Members of the Local Board by or on the Part of whom the 25 same is executed, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board a Register of the Securities upon each Rate, and within *Fourteen* Days after the Date of any Mortgage an Entry shall be made in the Register 30 of the Number and Date thereof, and of the Names and Description of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, 35 shall be liable to a Penalty not exceeding *Five Pounds*.

Register of Securities.

Transfer of Securities.

CVIII. And be it enacted, That any Assignee or other Person entitled to any such Security may transfer his Right and Interest therein to any other Person by Deed duly stamped, truly stating its Date and the Consideration for the Transfer; and such Transfers 40 may be according to the Form contained in the Schedule (C.) to this

this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board a Register of the Transfers of Securities charged upon each Kind of Rate, and within *Thirty* Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within *Thirty* Days after its Arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of *Five Shillings*, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Heirs, Executors, or Assignees, shall be entitled to the full Benefit of the original Security, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Right and Interest in any such Security; and no Person, except the Person to whom the same shall have been last transferred, his Heirs, Executors, or Assignees, shall be entitled to renounce or discharge any such Security, or any Money secured thereby.

Register of
Transfers.

CIX. And be it enacted, That the Interest secured by any Assignment authorized to be made under this Act shall, unless otherwise provided, be paid half-yearly; and in order to pay off any Monies borrowed and secured by any such Assignment, the Local Board shall in every Year, until the same be paid off, appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of *Thirty* Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Assignment, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the Way of Compound Interest or otherwise; and whenever the Local Board are enabled to pay off One or more of the Securities charged upon the same Property or Rate, and are not able to pay off the whole of the Securities so charged, they shall, in default of Arrangement between the Local Board and the Assignees, decide by Lot the Order in which the same shall be paid off.

Interest to
be paid half-
yearly.
Securities to
be paid off by
means of a
Sinking
Fund.

CX. And be it enacted, That if at the Expiration of *Six* Months from the Time when any Principal Money or Interest has become due upon any Assignment of Rates made under this Act, and after Demand in Writing, the same be not paid, the Assignee or other Person entitled thereto may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to the Sheriff, who is hereby empowered, after hearing the Parties, to appoint some Person to collect and receive the whole or a competent Part

Receiver
may be ap-
pointed in
certain
Cases.

Assignment of Rates.

of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Assignee or Assignees of such Rates, and shall be rateably apportioned between them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to *One thousand Pounds*, or unless a joint Application be made by *Two* or more Assignees or other Persons to whom there may be due, after such Lapse of Time and Demand as last aforesaid, Monies collectively amounting to that Sum.

Bye Laws.

Bye Laws of Local Board not to be in force till confirmed by Secretary of State.

CXI. And be it enacted, That all Bye Laws made by the Local Board under and for the Purposes of this Act shall be in Writing and shall be signed by *Five* or more of their Number; and the Local Board may by any such Bye Laws impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of *Five Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of *Forty Shillings* for each Day after written Notice of the Offence from the Local Board; and the Local Board may alter or repeal any such Bye Laws by any subsequent Bye Laws, signed as aforesaid: Provided always, that all such Bye Laws imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that no such Bye Laws shall be repugnant to the Laws of Scotland, or to the Provisions of this Act, and the same shall not be of any Force or Effect unless and until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as he may think proper: Provided further, that no such Bye Laws shall be confirmed unless Notice of Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the District to which such Bye Laws relate *One Month* at least before the making of such Application; and for *One Month* at least before any such Application a Copy of the proposed Bye Laws shall be kept at the Office of the Local Board, and be open during Office Hours thereat to the Inspection of the Rate-payers of the District to which such Bye Laws relate, without Fee or Reward; and the Clerk shall furnish every such Rate-payer who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of *Sixpence* for every One hundred Words contained in such Copy.

Notice of Confirmation, &c.

CXII. And

CXII. And be it enacted, That all Bye Laws made by the Local Board in pursuance of this Act shall be printed, and hung up in the Office of the Local Board; and Copies thereof shall be delivered to any Rate-payer of the District to which such Bye Laws relate, upon his Application for the same.

Bye Laws.

Bye Laws to be printed, &c.

CXIII. And be it enacted, That, notwithstanding the Application of this Act to any District, the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea, or of paving or flagging or putting in order any Street or Part thereof within the District, shall, if incurred previously to the Time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

Existing Liabilities reserved.

Liabilities to make Sewers, &c. not to be discharged.

CXIV. And be it enacted, That it shall not be lawful for the Local Board to borrow or take up at Interest any Sum or Sums of Money upon the Credit of any Rates authorized to be made or collected under this Act, without the previous Consent of the General Board.

General Superintendence.

Assignment of Rates to be made only with Approval of General Board.

CXV. And be it enacted, That if in any Case in which the Local Board are empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the Local Board thereupon, he may, within Seven Days after Notice of such Decision, address a Memorial to the Sheriff, stating the Grounds of his Complaint; and the Sheriff may make such Order in the Matter as to him may seem equitable, and the Order so made shall be binding and conclusive upon the Local Board; and if the Local Board shall have proceeded to recover such Expenses in a summary Manner, the Sheriff may, if he shall think fit, direct the Local Board to pay to the Person so proceeded against such Sum as he may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by him.

Parties aggrieved by Proceedings of Local Board as to Recovery of certain Expenses may appeal to the Sheriff.

CXVI. And be it enacted, That during any Inquiry by a Superintending Inspector under this Act he may and he is hereby empowered to summon before him any Persons whomsoever, and to examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any

Superintending Inspectors may summon Witnesses, call for Plans, Rates, &c.

General Super-
intendence.

Parochial Officer, or any Officer of or acting under any Corporation, or Parochial Board, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District or Place to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or 5 other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any 10 such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding *Five Pounds* : Provided always, that no Person shall be required to attend in 15 obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than *Ten Miles* from his Place of Abode.

Audit
of Accounts.

Power to
Auditor to
require Pro-
duction of
Books, &c.

CXVII. And be it enacted, That the Accounts of the Receipts and 20 Expenditure of the Local Board shall be audited and examined once in every Year at the least, at such Time or Times and by such Auditor or Auditors as shall be appointed by such Local Board; and for the Purposes of any Audit and Examination of Accounts under this Act, every such Auditor or Auditors may, by Summons in Writing, require 25 the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which they or he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them or him at any such Audit and 30 Examination, or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglect or refuse so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall be liable for every Neglect or Refusal to a 35 Penalty of *Forty Shillings*, and if he falsely or corruptly make or sign any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be final and 40 conclusive to all Intents and Purposes; and such Auditors or Auditor shall in respect of each Audit be paid by the Local Board, out of the General District Rates levied under this Act, such reasonable Remuneration as they shall from Time to Time by Order in Writing

Penalty on
Persons for
Neglect.

Writing determine and appoint: Provided always, that before each
 Audit and Examination of Accounts under this Act the Clerk shall
 give *Ten Days* Notice of the Time and Place at which the same
 will be made, by Advertisement in some One or more of the public
 5 Newspapers usually circulated within the District for which the Audit
 and Examination will be made; and a Copy of the Accounts to be
 audited and examined shall be deposited in the Office of the Local
 Board, and be open, during Office Hours thereat, to the Inspection
 of all Persons interested, for *Seven Days* before the Audit and Exa-
 10 mination; and all such Persons shall be at liberty to take Copies of
 or Extracts from the same without Fee or Reward; and within *Four-*
teen Days after the Audit and Examination shall have been completed
 the Auditors or Auditor shall report upon the Accounts audited and
 examined, and shall deliver such Report to the Clerk, who shall
 15 cause the same to be deposited in the Office of the Local Board,
 and to be published in some One or more of the public Newspapers
 usually circulated in the District to which it relates.

*Audit
of Accounts.*

Accounts
previous to
Audit to be
deposited,
and open to
Inspection,
&c.

CXVIII. And be it enacted, That in case of Dispute as to the
 Amount of any Compensation to be made under the Provisions of
 20 this Act (except where the Mode of determining the same is specially
 provided for), and in case of any Matter which by this Act is autho-
 rized or directed to be settled by Arbitration, then, unless both
 Parties concur in the Appointment of a single Arbiter, each Party, on
 the Request of the other, shall appoint an Arbiter, to whom the
 25 Matter shall be referred; and every such Appointment when made
 on the Behalf of the Local Board shall be signed by *Five* or more
 of their Number; and such Appointment shall be delivered to the
 Arbiters, and shall be deemed a Submission to Arbitration by the
 Parties making the same; and after the making of any such Ap-
 30 pointment the same shall not be revoked without the Consent of
 both Parties, nor shall the Death of either Party operate as a Revo-
 cation; and if for the Space of *Fourteen Days* after any such Matter
 shall have arisen, and Notice in Writing by one Party who has
 himself duly appointed an Arbiter to the other Party, stating the
 35 Matter to be referred, and accompanied by a Copy of such Appoint-
 ment, the Party to whom Notice is given fail to appoint an Arbiter,
 the Arbiter appointed by the Party giving the Notice shall be deemed
 to be appointed by and shall act on behalf of both Parties; and the
 Award of any Arbiter or Arbiters appointed in pursuance of this
 40 Act shall be binding, final, and conclusive upon all Persons, and to all
 Intents and Purposes whatsoever.

*Arbitration.
Mode of
referring to
Arbitration.*

CXIX. And be it enacted, That if before the Determination
 of any Matter so referred any Arbiter die, or refuse or become
 125. incapable

Death, &c.
of One of
several
Arbiters:

Arbitration.

or of single
Arbiter.

incapable to act, the Party by whom such Arbiter was appointed may appoint in Writing another Person in his Stead ; and if he fail so to do for the Space of *Seven* Days after Notice in Writing from the other Party in that Behalf the remaining Arbiter may proceed ex parte ; and every Arbiter so appointed shall have the same Powers 5 and Authorities as were vested in the Arbiter in whose Stead the Appointment is made ; and in case a single Arbiter die, or become incapable to act, before the making of his Award, or fail to make his Award within *Twenty-one* Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by 10 him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

Appoint-
ment of
Oversman by
the Parties ;or by the
Sheriff.

CXX. And be it enacted, That in case there be more than One Arbiter the Arbiters shall, before they enter upon the Reference, 15 appoint by Writing under their Hands an Oversman, and if the Person appointed to be Oversman die, or become incapable to act, the Arbiters shall forthwith appoint another Person in his Stead ; and in case the Arbiters neglect or refuse to appoint an Oversman for *Seven* Days after being requested so to do by any Party to the Arbi- 20 tration, the Sheriff shall, on the Application of any such Party, appoint an Oversman ; and the Award of the Oversman shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever ; and in case the Arbiters fail to make their Award within *Twenty-one* Days after the Day on which the last 25 of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Oversman ; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending the same in the Case of a single Arbiter, shall 30 apply to the Case of an Oversman.

Time within
which Award
must be
made.

CXXI. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of *Three* Months from the Date of the Submission or from the Day on which the Oversman shall have been appointed, as the 35 Case may be.

Power to
Arbiter to
require Pro-
duction of
Documents.As to Costs of
Reference.

CXXII. And be it enacted, That any Arbiter, Arbiters, or Overs- man appointed by virtue of this Act, may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may 40 examine the Parties or their Witnesses on Oath ; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbiter

Arbiter or Arbiters, or of the Oversman, in case the Matters referred are determined by an Oversman under the Power herein-before contained in that Behalf.

Arbitration.
—

CXXIII. And be it enacted, That in all Cases in which the
 5 Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, the same may be so ascertained by and recovered before the Sheriff, together with such Costs of the Proceedings as the Sheriff may think proper; and if the Sums adjudged be not paid by the Party against whom the
 10 Decree is made the same may be levied by Poinding and Sale of his Goods and Effects, by Warrant of the Sheriff.

Legal Proceedings.
—

Recovery of Damages, &c.

CXXIV. And be it enacted, That every Penalty or Forfeiture imposed by or under the Authority of this Act, or any Bye Law made under this Act, the Recovery whereof is not otherwise expressly
 15 provided for, may be recovered, either in the Small Debt Court in Common Form, or by summary Proceeding upon Complaint in Writing made in the Name of the Secretary appointed under this Act, or other Party, to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County
 20 in which the Offender may be found; and on such Complaint being made, such Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order, and every such Order shall be served on the
 25 Party offending, either in Person or by leaving at his usual Place of Abode a Copy of such Order and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon Proof
 30 of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expenses as the Sheriff shall think fit, and
 35 to grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty
 40 or Forfeiture or Expenses shall not have been paid, and shall in no Case exceed *Three Months*: Provided also, that where the Sum sued for is within the Amount for which Prosecution may be lawfully instituted

Recovery of Penalties.

125.

Q

in

*Legal
Proceedings.*

in the Small Debt Court, the same shall be sued for in such Small Debt Court.

Mode of
proceeding
before the
Sheriff.

Poinding
how to be
carried
through ;

not unlawful
for Want of
Form.

Sheriff's
Judgment on
Appeal to
be final.

Common
Informers
not to sue
without Con-
sent of Lord
Advocate.

Proceedings
for Penalties
to be taken
within *Six*
Months.

Application
of Penalties.

CXXV. And be it enacted, That where any Appeal to the Sheriff is allowed by this Act, such Appeal shall be taken by lodging with the Sheriff Clerk a short Note of Appeal, to which the Sheriff may order Answers if he shall see Cause, and otherwise the Sheriff shall take such Proceedings thereon, and in such Form and Manner, as to him shall seem proper ; and in any other Proceeding before any Sheriff under the Provisions of this Act, in any Case in which the Mode of proceeding is not specially prescribed, the Sheriff may grant Warrant to cite the Party charged to appear before him at a Time and Place to be named ; and upon the Appearance of the Party charged, or upon Production of an Execution of Citation against him personally, or at his last known Place of Abode or Business, the Sheriff may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses, on Oath ; and the Costs of all such Proceedings shall be in the Discretion of the Sheriff ; and where in this Act any Sum of Money whatsoever is directed to be levied by Poinding and Sale of the Goods and Effects of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Poinding and Sale, be returned to him, on Demand ; and no Poinding carried through under the Authority of this Act shall be unlawful, nor shall any Party making the same incur any Responsibility, on account of any Defect or Want of Form in the Application, Warrant of Citation, Conviction, Warrant of Poinding, or other Proceeding relating thereto ; and in all Cases under this Act in which any Appeal to the Sheriff is expressly allowed, the Decision of the Sheriff thereon shall be final, and not subject to Review on any Ground whatsoever.

CXXVI. And be it enacted, That no Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party aggrieved, or the Local Board in whose District the Offence is committed, or by the Parochial Board (where any such Penalty is directed to be paid to the Parochial Board), without the Consent in Writing of Her Majesty's Advocate first had and obtained ; and that no such Penalty shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within *Six* Months after the Commission or Occurrence of the Offence upon which the Penalty attaches ; and if the Application of the Penalty be not otherwise provided for, *One Half* thereof shall go to the Informer, and the Remainder to the Local Board of the District in which the Offence was committed :
Provided

Provided always, that if the Local Board be the Informer they shall be entitled to the whole of the Penalty recovered, and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer, and shall by him be placed to the District Fund
 5 Account mentioned in this Act.

*Legal
Proceedings.*

CXXVII. And be it enacted, That, notwithstanding, the Liability of any Person to any Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed.

*Liability to
Penalty not
to relieve
from other
Liabilities.*

10 CXXVIII. And be it enacted, That no Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, Interlocutor, Judgment, Sentence, Conviction, or other Matter or Thing whatsoever made, done, or transacted in or relating to the Execution of this Act, shall be reduced or set aside
 15 for Want of Form, or be subject to Review by Advocation, Suspension, Reduction, or otherwise, in any Manner of Way, unless expressly so provided by this Act.

*No Rate or
Proceeding
to be quashed
for Want of
Form, &c.*

CXXIX. And be it enacted, That the Local Board of any Non-corporate District may sue and be sued in the Name of the Clerk
 20 for the Time being for or concerning any Contract, Matter, or Thing whatsoever relating to any Property, Works, or Things vested or to become vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done, or intended to be entered into or done by them, under the Provisions
 25 of this Act; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Local Board by Death, Resignation, or otherwise: Provided always, that the Clerk shall be fully reimbursed out of the General District Rates to be levied under
 30 this Act all such Costs, Charges, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

*Proceedings
in case of
Noncorpo-
rate Districts.*

*Actions, &c.
not to abate.*

*Clerk to be
reimbursed
Expenses.*

CXXX. And be it enacted, That no Action or Proceeding shall be brought or commenced against the Secretary acting under the
 35 Direction of the General Board, or against any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board, or against the Local Board, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under
 40 the Direction of the Local Board, for anything done or intended to be done under the Provisions of this Act, after the Expiration of
 125.

*Limitation
of Actions.*

Six

Legal Proceedings.

Six Months next after the Accrual of the Cause of Action ; and if the Action be unsuccessful the Defender shall be entitled to full Costs of Suit, and have Judgment accordingly.

Persons acting in execution of Act not to be personally liable.

CXXXI. And be it enacted, That no Matter or Thing done or Contract entered into by the Local Board, nor any Matter or Thing done by the Secretary or by any Superintending Inspector, or any Member of the Local Board, or by the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the Local Board, shall, if the Matter or Thing were done or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever ; and any Expense incurred by any such Local Board, Member, Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Miscellaneous.

Orders in Council and Provisional Orders may be amended, and Districts extended.

CXXXII. And be it enacted, That Her Majesty may from Time to Time alter or amend any Order in Council made under or in pursuance of the Provisions of this Act, by any subsequent Order in Council, in such Manner as Her Majesty, by and with the Advice of Her Privy Council, may think proper ; and if at any Time it appear to the General Board that any Provisional Order made by them under this Act should be altered or amended, or that the Boundaries of any District should be altered or extended, they shall make a Provisional Order under their Hands and Seal of Office accordingly : Provided always, that no Order in Council or Provisional Order as last aforesaid shall be made until such Proceedings have been taken in and with respect to the District and Parts to be affected thereby as are herein-before required to be taken previously to the original Constitution of a District under this Act ; and no such Provisional Order shall be of any Force or Effect without the previous Authority of Parliament, as herein-before prescribed with respect to Provisional Orders made under this Act.

Publication of Orders in Council, &c.

CXXXIII. And be it enacted, That all Orders in Council under this Act shall take effect and be in full Force and Operation within the District to which they apply from and after a Day which shall be specified in such Orders for that Purpose ; and a Copy of every such Order shall be published in the Edinburgh Gazette, and shall be laid before Parliament in the Month of January in every Year, if Parliament be then sitting, or if Parliament be not then sitting, then within *One Week* after the next Meeting thereof ; and whenever any Provisional Order of the General Board is submitted to Parliament for

Reports of Superintending Inspectors, &c. to

for Confirmation, the General Board shall present to both Houses of Parliament a Copy of all Reports of any Superintending Inspector and relative Observations of the Sheriff, with respect to the Parts to which the Provisional Order relates, and of all Memorials forwarded to the General Board with respect to such Reports or Observations.

be laid before
Parliament.

CXXXIV. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the Local Board may, upon Notice to such Owner or Occupier, apply to the Sheriff for an Order authorizing the Members of such Local Board, and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause shall be shown against the same the Sheriff may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the Local Board or any Member thereof, the Surveyor, and Inspector of Nuisances, and any Person authorized by any such Superintending Inspector, Local Board, Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of *Ten* in the Forenoon and *Four* in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless *Twenty-four* Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

Entry upon
Lands for
the Purposes
of this Act.

CXXXV. And be it enacted, That full Compensation shall be made, out of the General or Special District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of *Twenty Pounds*, the same may be ascertained by and recovered before the Sheriff in a summary Manner.

Compensation in case
of Damage
by Local
Board.

Miscellaneous.
Private
Sewers or
Water-
courses, &c.,
not to be
used without
Consent.

CXXXVI. And be it enacted, That nothing in this Act shall be construed to authorize the Local Board to use, injure, or interfere with any Sewers or other Works already made or hereafter to be made, and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of 5 irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained; and nothing 10 herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation, as last aforesaid. 15

Local Board
may allow
Owners Time
for Repay-
ment of Ex-
penses.

CXXXVII. And be it enacted, That in any Case in which the Local Board may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the Local Board may, if they think fit, allow such Owner Time for Repayment, and 20 receive the same by such annual Instalments, not being less than *One Thirtieth* Part of the entire Sum, together with Interest at the Rate of *Five Pounds* in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment be 25 allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed. 30

False Evi-
dence
punishable
as Perjury.

CXXXVIII. And be it enacted, That every Person who upon any Examination on Oath under the Provisions of this Act shall wilfully give false Evidence shall be liable to the Penalties inflicted upon Persons guilty of Perjury.

Penalty for
obstructing
Officers,
defacing
Boards, &c.;

CXXXIX. And be it enacted, That whosoever wilfully obstructs 35 any Superintending Inspector, or any Member of the Local Board, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Bye Law, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local Board or General 40 Board, be liable for every such Offence to a Penalty not exceeding *Five Pounds*; and if the Occupier of any Premises prevent the Owner thereof

and upon Oc-
cupiers pre-

- thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff shall, by Order in Writing (which may be according to the Form contained in the Schedule (D.) to this Act annexed, or to the like Effect), require such Occupier to permit the Execution of the Works required to be executed, provided that the same appear to such Sheriff to be such as are necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board to state the Name of the Owner of the Premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, the Sheriff may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him at such Time and Place as he may appoint, and if after being so summoned the Party neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Sheriff may impose upon the Offender a Penalty not exceeding *Five Pounds*.

venting
Execution
of Works.

Occupiers
to disclose
Owners
Name.

- CXL. And be it enacted, That whenever the Consent, Sanction or Approval, or Authority of the General Board is required by the Provisions of this Act, the same shall be in Writing under the Hands of *Two* or more Members thereof; and whenever the Consent, Sanction, Approval, or Authority of the Local Board is so required the same shall be in Writing under the Hands of *Five* or more Members thereof.

Consents of
General
Board and
Local Board
to be in
Writing.

- CXLI. And be it enacted, That any Summons, Notice, Writ, or Proceeding of any Kind whatsoever to be served upon the Local Board may be so served by being left at or sent through any Post Office, directed to the Local Board at their Office, or by being delivered there to the Clerk personally; and in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises it shall be sufficient to address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (describing them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in the case of the Owner, if his Place of Abode be unknown,) upon any Inmate of the last-mentioned Premises, or if

Service of
Notice upon
Local Board;

upon Owners
and Occu-
piers.

Miscellaneous.

such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier, (and in case of the Owner also, if his Residence be unknown,) it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises : Provided always, in the Case of Notices to the Owner, that although his Place of Abode be known 5 to the Local Board, yet if it be not within the Limits of their District it shall be sufficient for them to transmit any Notice, directed to him by Name, through the Post.

Exemptions
from Stamp
Duty.

CXLII. And be it enacted, That no Advertisement inserted or caused to be inserted by the General or Local Board in the Edin- 10 burgh Gazette or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, Award, Submission, Instrument, Contract, Agreement, or Writing made or executed by the said General Board or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appoint- 15 ment by the General Board or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever; and in case any Vault, Cellar, or underground Room of any House containing, at the Time of the passing of this Act, *Seven* Windows or Lights only, shall have been let or occupied separately as a Dwelling 20 before the passing of this Act, without any external Window, or such an external Window as is required by the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms, and it shall become necessary, by reason of such Provisions, to make such an external Window as is required thereby, 25 in order that such Vault, Cellar, or underground Room may lawfully be let or occupied separately as a Dwelling, the making only of such external Window shall not render any Person liable in respect of such House to the Duties payable for a House having *Eight* Windows or Lights, anything in any Act of Parliament to the contrary 30 notwithstanding.

Exemption
from Win-
dow Duty in
certain
Cases.

Act may be
amended or
repealed.

CXLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM of Voting Paper.

District of _____

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Rate-payer.

Directions to the Voter.

The Voter must write his Initials against the Name of every Person for whom he votes, and must sign this Paper.

If the Voter cannot write he must affix his Mark, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against the Name of every Person for whom the Voter intends to vote.

If a Proxy vote he must in like Manner write his Initials, sign his own Name, and state in Writing the Name of the Corporation or Company for whom he is Proxy.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Names of the Nominators.	Address of the Nominators.
.
.
.
.

I vote for the Persons in the above List against whose Names my Initials are placed.

Signed _____

or, The Mark of _____

Witness to the Mark.

or _____ Proxy for _____

SCHEDULE (B.)

FORM of Assignment of Rates.

By virtue of "The Public Health (Scotland) Act, 1850," the Local Board of Health for the District of _____ in consideration of the Sum of _____ paid to the Treasurer of the said District by A. B. of _____ for the Purposes of the said Act, do grant and assign unto the said A. B., his Heirs, Executors, and Assignees, such Proportion of the Rates arising or accruing by virtue of the said Act from [*the Rates assigned*] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to be held by the said A. B., his Heirs, Executors, and Assignees, from the Day of the Date hereof until the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said Principal Sum shall be repaid on the _____ Day of _____ at [*Place of Payment*]. In witness whereof [*insert Testing Clause*].

[To be signed by *Five* Members at least of the Local Board of Health, and witnessed.]

SCHEDULE (C.)

FORM of Transfer of Security.

I A. B. of _____ in consideration of the Sum of _____ paid to me by C. D. of _____ do hereby transfer to the said C. D., his Heirs, Executors, and Assignees, a certain Assignment bearing Date the _____ Day of _____ and made by the Local Board of Health for the District of _____ for securing the Sum of _____ and Interest thereon at _____ per Centum per Annum [*or if such Transfer be by Endorsement on the Assignment, insert, instead of the Words immediately following the Word "Assignees," the within Security*], and all my Right and Interest in and to the Money thereby secured, and in and to the Rates thereby assigned. In witness whereof [*insert Testing Clause*].

A. B.

C. D., Witness.

G. F., Witness.

SCHEDULE (D.)

FORM of Order to permit Execution of Works by Owners.

WHEREAS Complaint has been made to me, E. F., Esquire, Sheriff of the County of _____ by A. B., Owner, within the Meaning of "The Public Health (Scotland) Act, 1850," of a House [*as the Case may be*] situate in _____ Street [*as the Case may be*] in the Parish of _____ in the said County, that C. D., the Occupier of the said Premises, prevents the said A. B. from obeying and carrying into effect the Provisions of the said Act, in so far as he the said C. D. prevents the said A. B. from [*here describe the Works generally, according to Circumstances, for instance, thus:* constructing and laying down, in connexion with the said House, a covered Drain, so as to communicate with a Sewer [*or Drain*] of the Local Board of Health of the District of _____ [*or a Sewer, &c. which the Local Board of Health of the District of _____ are entitled to use, as the Case may require*], such Sewer being within One hundred Feet of the said House]: And whereas the said C. D. having been duly summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said A. B. to obey and carry into effect the Provisions of the said Act, I do hereby order that the said C. D. do permit the said A. B. to execute the same in the Manner required by the said Act.

Given under my Hand, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

[Signed] E. F.

Public Health.

(Scotland.)

A

B I L L

For promoting the Public Health in Scotland.

*(Prepared and brought in by
The Lord Advocate and Sir George Grey.)*

*Ordered, by The House of Commons, to be Printed,
8 March 1850.*

125.

Under 10 oz.

Public Houses (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 9 G. 4. c. 58.

Recited Act repealed in so far as may be necessary to give effect to present Act ; Sect. 1.

Justices in Quarter Sessions to appoint a General Committee in each County, by whom the maximum Number of Public Houses is to be fixed ; 2.

Where the Number of Public Houses already existing is greater than the Number so fixed, no new Certificate to be granted until the Number is less than such Maximum ; 3.

Extra Certificates may be granted on special Cause shown ; 4.

Maximum Number to remain as fixed ; how and when such Maximum may be afterwards altered ; 5.

Limitation of Power of Justices to grant Certificates ; 6.

General Committee, when appointed, to exercise the Powers of Justices in reference to dividing Counties into Districts, and empowered to alter the Day for granting Certificates ; 7.

Appeal from Justices to the General Committee ; 8.

General Committee to be re-appointed triennially ; Vacancies by Death, &c., how to be filled up ; 9.

No Certificate to be granted until Premises have been inspected ; and unless with a Condition that no Groceries be sold on the Premises ; 10, 11.

Repeal of Sect. 14. of 6 G. 4. c. 81. so far as regards Scotland.

Certificate to be granted under 9 G. 4. c. 58. to contain Conditions that no Porter, &c. shall be sold by retail on the Premises ; and no one Certificate shall be issued enabling Persons to sell Porter &c. and Spirits, &c. ; 12.

Excise Licences not to be granted without or contrary to a Certificate obtained under this Act.

Duties granted on certain Licences to retail Foreign Wine in Scotland.

Provisions of former Acts as to Excise Licences to apply to Duties and Licences under this Act.

Saving existing Licence Duties, and the Liability of Parties to take out such Licences.

Licences to retail Wine under this Act not to authorize Persons to trade as Dealers in Wine.

Form of Certificate in Schedule to this Act to be in lieu of that contained in 9 G. 4. c. 58. ; 13.

Certificate granted contrary to Provisions of this Act not to be valid ; 14.

Licences to retail exciseable Liquors to expire at Whitsunday.

Police empowered to enter Public Houses, &c. ; 15.

Persons bartering or selling Spirits without a Certificate, liable to a Penalty or Imprisonment ; 16.

Interpretation of Terms ; 17.

Commencement of Act ; 18.

Amendment, &c. of Act ; 19.

SCHEDULE.

8 July 1850. 13 & 14 Vict.



A

B I L L

INTITULED

An Act for the better Regulation of Public Houses in Scotland.

[Note.—The Clauses printed in *Italics* are proposed to be inserted in
Committee.]

WHEREAS great Evils have been found to arise from the Preamble.
excessive Number of Public Houses in Scotland, and it is
expedient that the Number of such Houses should be
diminished, and that Provision should be made for the better Regula-
tion thereof in Time to come: And whereas an Act was passed in
the Ninth Year of the Reign of His Majesty King George the Fourth,
intituled “An Act to regulate the granting of Certificates by Jus- 9 G. 4. c. 58.
tices of the Peace and Magistrates, authorizing Persons to keep
“common Inns, Alehouses, and Victualling Houses, in Scotland, in
10 “which Ale, Beer, Spirits, Wine, and other exciseable Liquors may
“be sold by retail under Excise Licences; and for the better Regu-
“lation of such Houses, and for the Prevention of such Houses
“being kept without such Certificate:” May it please Your Majesty
that it may be enacted; and be it enacted by the Queen’s most
15 Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, That from and after the Repealed in
so far as to
give effect to
present Act.
passing of this Act the said recited Act shall be and the same is
hereby repealed, in so far only as may be necessary to give effect to
20 the Provisions of this Act, but no farther.

General Committee to be appointed in each County, by whom maximum Number of Public Houses is to be fixed.

II. And be it enacted, That the Justices of the Peace in each County of Scotland assembled at a Meeting to be held on the same Day on which the first stated Meeting of the Quarter Sessions of the County shall be held after the passing of this Act shall appoint a General Committee, consisting of not more than Ten 5 Justices of the Peace for such County, with the Addition of the Lord Lieutenant, the Sheriff Depute or any One of his Substitutes, and the Convener of the County, and the Chief Magistrate or Chief Magistrates of any Royal or Parliamentary Burgh or Burghs within the Limits of such County; and where such County is divided into 10 Districts, in Terms of the said recited Act, the Justices assembled as aforesaid shall in appointing such General Committee select, where possible and consistent with the other Provisions of this Act, One Justice from each such District to be a Member of such General Committee; and such General Committee shall, within Six Months 15 at farthest after its Appointment, fix the maximum Number of Public Houses necessary for the Accommodation of such County, and where the County is divided into Districts, in Terms of the said recited Act, the Number of Public Houses necessary for the Accommodation of each such District; and such Number of Public Houses, when so 20 fixed, shall be held to be the Number of Public Houses necessary for the Accommodation of such County or District.

Where existing Number is greater than Number so fixed, no new Certificate to be granted.

III. And be it enacted, That where the Number of Public Houses already existing in any County or District at the Time the Number necessary for the Accommodation of such County or District is fixed 25 by such General Committee shall exceed the Number so fixed, it shall not be lawful to the Justices of the Peace for such County or District to grant any additional Certificate, in Terms of the said recited Act or this Act, until the Number of Public Houses in such County or District is less than the Number so fixed; but when- 30 ever the Number of Public Houses in such County or District is or shall become less than the Number so fixed, it shall be lawful to such Justices to grant from Time to Time such Number of Certificates, in Terms of the said recited Act and this Act, as may raise the Number of Public Houses in such County or District to the Number 35 so fixed.

Exception on special Cause shown.

IV. Provided always, and be it enacted, That it shall be lawful for such General Committee to authorize the Justices of the Peace for such County or District to grant extra Certificates from Time to Time, beyond the Number of Public Houses fixed for such County 40 or Districts in Terms of this Act, the Number of such extra Certificates at no One Time exceeding Three; and each such extra Certificate being granted upon special Cause shown to the Satisfaction of

of an actual Majority of at least Two Thirds of the whole of such General Committee.

V. And be it enacted, That when the Number of Public Houses necessary for the Accommodation of such County or District as
5 aforesaid has been once fixed in Terms of this Act, such Number shall continue to be held to be the maximum Number of Public Houses necessary for the Accommodation of such County or District, but such Number may be altered from Time to Time: Provided
10 always, that no such Alteration shall be made unless by an actual Majority of at least Two Thirds of the whole Members of such General Committee, and after the Elapse of at least Five Years from the Date when such Number was last fixed.

Maximum
Number to
remain as
fixed.

VI. And be it enacted, That on any Alteration being declared, in
15 Terms of this Act, of the Number of Public Houses necessary for the Accommodation of such County or District, the Powers of the Justices of the Peace for such County or District to grant Certificates, in Terms of the said recited Act, shall be limited in reference to such altered Number, in the same Way as is by this Act provided in reference to the Number originally fixed.

Limitation
of Powers of
Justices to
grant Cer-
tificates.

VII. And be it enacted; That so soon as said General Committee
20 is appointed in any County the whole Powers of the Justices of the Peace of such County in reference to dividing such County into Districts, and fixing the Places at which the Justices shall assemble within such Districts, and altering or changing any District or Place
25 of District Meeting, shall be transferred to such General Committee; and it shall be lawful for such General Committee, at any Meeting or Meetings of such Committee, and after such Notice or Notices only as to such Committee shall seem proper, to exercise all the Powers in reference to the said Matters which such Justices of the Peace
30 could have exercised before the passing of this Act at the Meetings and after the Notices specified in the said recited Act, and further, with Power to fix any other Day than those appointed by the said Statute as more convenient for the Districts for the half-yearly Meetings to be held for granting the Certificates, but said Meetings
35 to be held within the same Week as the Days thereby appointed.

When Gene-
ral Com-
mittee ap-
pointed,
Powers of
Justices in
reference to
dividing
County into
Districts
transferred
to such Ge-
neral Com-
mittee.

VIII. And be it enacted, That if any Justice of the Peace or Appeal
Proprietor of a House within the licensing District, or Occupier of
any House in respect whereof any Certificate shall be applied for, in
Terms of the said recited Act and this Act, shall be dissatisfied with
40 any Proceeding of any Justices or Magistrates assembled for granting Certificates as aforesaid, whether in granting or refusing or otherwise
527. disposing

disposing of any such Application, it shall be lawful to such Justice of the Peace, or Proprietor or Occupier, to appeal therefrom to the said General Committee, who in all Matters arising under the said recited Act and this Act shall come in place of the Quarter Sessions of the Peace of the County; and such General Committee shall 5 meet to hear and dispose of such Appeals on the Days on which Quarter Sessions are held in the County, or on any other Days which such General Committee may fix, and of which such public Advertisement shall be given as they may deem proper; and no Appeal against such Proceeding as aforesaid shall be competent after such 10 General Committee is appointed, except to such General Committee; and the Decision of such General Committee on such Appeal shall be final, and not subject to Review on any Grounds whatever.

General
Committee
to be re-
appointed
triennially.

IX. And be it enacted, That such General Committee shall be re-appointed by the Quarter Sessions every Three Years, and on 15 the Occurrence of any Vacancy or Vacancies in the General Committee appointed in any County of Scotland, in Terms of this Act, by the Death or Resignation of any Member or Members other than official Members of such General Committee, it shall be lawful to the Justices of Peace of such County assembled at a Meeting to 20 be held on the same Day on which any stated Meeting of Quarter Sessions of County shall be held after the passing of this Act to fill up such Vacancy or Vacancies out of their own Body; and such General Committee shall be entitled to act, notwithstanding the full Number of its Members may not be filled up; and a Majority of 25 those who at the Time are Members of such General Committee shall be a Quorum in all Cases in which a larger Number is not by this Act expressly required.

No Certifi-
cate to be
granted until
Premises
have been
inspected;

X. And be it enacted, That it shall not be lawful to the Justices of the Peace for any County or District to grant any Certificate, 30 in Terms of the said recited Act and this Act, with respect to any House or Premises not previously licensed, until such House or Premises shall have been inspected by at least One Justice of the Peace for such County or District, and until a written Report shall have been made by such Justice that the same are suitable and proper 35 to be licensed.

and unless
with express
Condition
that no Gro-
ceries be sold
on the Pre-
mises.

XI. And be it enacted, That it shall not be lawful to the Justices of the Peace for any County or District, nor to the Magistrates of any Royal or Parliamentary Burgh in Scotland, whether acting under the said recited Act or this Act, to grant any Certificate for 40 Spirits, Wine, or exciseable Liquors to be drunk or consumed on the Premises, in Terms of the said recited Act or this Act, with respect

respect to any House or Premises not previously licensed, unless on the express Condition that no Groceries or other such Commodities shall be sold in the House or Premises with respect to which such Certificate is granted within the Period to which such Certificate
 5 applies; and from and after the Expiration of Five Years from the passing of this Act it shall not be lawful to such Justices or Magistrates to grant any Certificate, in Terms of the said recited Act, with respect to any House or Premises, whether previously licensed under the said recited Act or not, unless on the express Condition
 10 aforesaid.

*And whereas by an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled "An Act to repeal several
 6 G. 4. c. 81.
 " Duties payable on Excise Licences in Great Britain and Ireland, s. 14.
 " and to impose other Duties in lieu thereof, and to amend the Laws
 15 " for granting Excise Licences," it is enacted, that no Licence for the Sale of any Spirits or Foreign Wine, or Sweets or Made Wines, or Mead or Metheglin, by Retail, to be drank or consumed in or upon the House or Premises where sold, shall be granted to any Person or Persons who shall not have and produce a Licence for the Sale of Beer, Cyder, or
 20 Perry, by Retail, to be drank or consumed in or upon such House or Premises, in that Behalf granted; and if any Licence for the Sale of any Spirits or Foreign Wine, or Sweets or Made Wines, or Mead or Metheglin, by Retail, to be drank or consumed in or upon the House or Premises where sold, shall be granted to any Person or Persons
 25 other than as aforesaid, such Licence shall be and is thereby declared to be absolutely null and void to all Intents and Purposes, and all and every such Person or Persons as aforesaid shall be subject and liable to all and every Penalty and Penalties imposed upon Persons selling Spirits or Foreign Wines, or Sweets or Made Wines, or Mead or
 30 Metheglin, by Retail, without Licence: Be it enacted, That the said recited Enactment, so far as regards any such Licence as aforesaid to be granted in Scotland after the passing of this Act, shall be and the same is hereby repealed.*

XII. And be it enacted, That every Certificate to be granted in
 35 Terms of the said recited Act of the Ninth Year of the Reign of King George the Fourth shall be granted under the express Condition that (unless by virtue of a separate Certificate) no Porter, Ale, Beer, Cyder, or Perry shall be sold by Retail in the House or Premises with respect to which such Certificate is granted, within the
 40 Period to which such Certificate applies, or otherwise that (unless by virtue of a separate Certificate) no Spirits, Wine, or exciseable Liquors, other than Porter, Ale, Beer, Cyder, or Perry, shall be sold by Retail in such House or Premises within such Period; and no
 527. B One

Certificate to be granted under 9 G. 4. c. 58. to contain Conditions that no Porter, &c. be sold by Retail on the Premises, and no one Certificate to enable Persons to sell Porter, &c.

and Spirits, &c. One Certificate shall be granted having the Effect of enabling a Party to obtain a Licence to sell by Retail in any Houses or Premises, not only Porter, Ale, Beer, Cyder, or Perry, but also Spirits, Wine, and other exciseable Liquors.

Excise Li-
cences not to
be granted
without or
contrary to
a Certificate
obtained
under this
Act. *And be it enacted, That no Licence for the Sale of any 5*
Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other exciseable
Liquors, by Retail, to be drunk or consumed on the Premises of the
Person licensed, shall be granted by the Commissioners of Inland
Revenue, or by any Officer of Excise, to any Person in Scotland who
shall not produce to the said Commissioners or Officer a Certificate, 10
granted in Terms of the said recited Act of the Ninth Year of the
Reign of King George the Fourth and of this Act, enabling the Party
to obtain such Licence; and every such Licence which shall be granted
without the Authority or contrary to the Terms of a Certificate in
that Behalf shall be null and void to all Intents and Purposes. 15

Duties
granted on
certain
Licences to
retail Fo-
reign Wine
in Scotland. *And be it enacted, That from and after the passing of this*
Act there shall be granted, raised, levied, collected, and paid unto
Her Majesty, Her Heirs and Successors, for and upon the several
Excise Licences herein-after mentioned, the several Duties of Excise
or Rates and Sums of Money herein-after specified; (that is to say,) 20

£ s. d.

For and upon every Licence to be taken out in Scotland
by any Person who shall have duly obtained a Certifi-
cate in that Behalf for the Sale by Retail of Foreign
Wine to be drunk or consumed on his or her
Premises - - - - - 25

Where such Person shall have taken out an Excise
Licence for retailing Spirits, but shall not have
taken out such Licence for retailing Beer, to be
respectively so drunk or consumed as aforesaid - 30
And where such Person shall not have taken out
any such Licence either for retailing Beer or
for retailing Spirits to be respectively so drunk
or consumed as aforesaid - - -

Provisions
of former
Acts in
relation to
Excise Li-
cences to be
applied to
the Duties
and Licences
under this
Act. *And be it enacted, That the said Duties by this Act granted 35*
and made payable on such Licences as aforesaid shall be under the
Management of the Commissioners of Inland Revenue, and shall be
charged, raised, levied, collected, paid, and applied in such and the
like Manner as other Duties of Excise on Licences may by or under
any Act or Acts in force be charged, raised, levied, collected, paid, and 40
applied; and all and every the Powers, Provisions, Clauses, Regula-
tions, Fines, Forfeitures, and Penalties contained in or imposed by
any

any such Act or Acts as aforesaid, in relation to any other Duties of Excise on Licences, shall, so far as the same are consistent with the express Provision of this Act, and are not hereby repealed, be practised and put in execution in relation to the said Duties hereby
 5 granted, as fully and effectually as if the same were repeated and re-enacted by this Act in reference to the said last-mentioned Duties.

Provided always, and be it enacted, That nothing herein
 contained shall extend or be deemed or construed to extend to repeal,
 alter, or affect any Duty or Duties payable under any Act or Acts in
 10 force immediately before the passing of this Act, for or upon any
 Licence to be taken out for the dealing in or retailing of Wine or
 Spirits or Beer or any other exciseable Liquors in any Part of the
 United Kingdom, or the Liability of any Person under any such
 Act or Acts as aforesaid to take out any such Licence, or his or her
 15 Liability to any Fine or Penalty for omitting to take out the same.

Not to alter or affect existing Licence Duties, or the Liability of Parties to take out such Licences.

Provided always, and be it enacted, That no Licence to be
 granted under or in pursuance of this Act for the Sale of Wine by
 Retail shall extend or be deemed or construed to extend to authorize
 any Person to sell Foreign Wine, not to be consumed on his or her
 20 Premises, in any greater Quantity than of Wine
 at One Time; and any Person licensed for the Sale of Wine by Retail
 under this Act who shall at One Time sell any greater Quantity of
 Foreign Wine than as aforesaid, which shall not be consumed on his
 or her Premises, shall be deemed to be a Dealer in Foreign Wine, and
 25 subject and liable to the Penalty imposed by Law for dealing in
 Foreign Wine without taking out such Licence as is in that Behalf
 required, any Licence under this Act notwithstanding.

Licences to retail Wine under this Act not to authorize Persons to trade as Dealers in Wine.

XIII. And be it enacted, That the Forms of Certificate contained
 in the Schedule to this Act annexed shall come in place of the Form
 30 of Certificate provided by the said recited Act of the Ninth Year of
 King George the Fourth; and it shall not be lawful to the Justices
 of the Peace for any County or District, or to the Magistrates of any
 Royal or Parliamentary Burgh, in Scotland, whether acting under the
 said recited Act or this Act, from and after the passing of this Act, to
 35 grant any Certificates in any other Forms than those contained in the
 said Schedule; but it shall be lawful to such Justices or Magistrates
 to grant Certificates in any of the Forms according to the Circum-
 stances of such Case; and the Penalties provided by the said recited
 Act for Contraventions of or Offence against the Terms, Provisions,
 40 and Conditions of Certificates, and all Provisions of the said recited
 Act relating to the Terms, Provisions, and Conditions of Certificates,
 shall apply to Certificates granted under this Act.

Form of Certificate.

Certificate
granted con-
trary to Pro-
visions of this
Act null and
void.

Excise Li-
cences to
retail excise-
able Liquors
to expire at
Whitsuntide.

XIV. And be it enacted, That if any Certificate shall be granted contrary to the Provisions of this Act the same shall be null and void to all Intents and Purposes.

And whereas under and by virtue of the said recited Act of the Sixth Year of the Reign of King George the Fourth, all Excise 5 Licences taken out by any Person or Persons who shall be duly authorized by Justices of the Peace to keep a common Inn, Alehouse, or Victualling House, and who shall take out a Licence for selling Beer, Cider, or Perry by Retail, to be drunk or consumed in the House or Premises, or for selling Spirits or Foreign Wine, or Mead or Metheg- 10 lin, are made to expire on the Tenth Day of October in each Year : And whereas it is expedient that all such Licences as aforesaid to be taken out in Scotland should be made to expire at the Term of Whitsunday, being the Period of the Year when the Certificates under which the same are granted will also expire : Be it therefore enacted, 15 That all such Licences as aforesaid which shall be taken out in Scotland after the Tenth Day of October One thousand eight hundred and fifty, and before the Term of Whitsunday One thousand eight hundred and fifty-one, shall be made to expire at the latter Term, and shall be granted respectively, upon Payment of a proportionate Part of the 20 annual Duty chargeable thereon, from the Day of the Date to the Day of the Expiration thereof, and every such Licence which shall be taken out in Scotland at any Time after Whitsunday One thousand eight hundred and fifty-one shall expire at Whitsunday next after the granting thereof, anything in the said recited Act of the Sixth Year of 25 the Reign of King George the Fourth or in any other Act contained to the contrary thereof notwithstanding.

Police may
enter Public
Houses.

XV. And be it enacted, That it shall be lawful for any Police Officer or Constable, at any Time to enter into any Public House, or any House where Refreshments are sold to be consumed on the 30 Premises ; and any Person who refuses to admit or shall not admit such Police Officer or Constable into such Public House or House where Refreshments are sold as aforesaid, or shall offer Obstruction to his Admission thereto, shall be deemed guilty of an Offence against the said recited Act and this Act. 35

Penalty on
Persons bar-
tering or sell-
ing Spirits
without
having ob-
tained a
Certificate.

XVI. And be it enacted, That every Person bartering Spirits or selling Spirits without having obtained a Certificate, or otherwise offending against this Act, shall be liable, upon summary Conviction for the same before any Justice of the Peace or Sheriff or Magistrate having Jurisdiction in the Place where the Offence shall be com- 40 mitted, at the Instance of the Procurator Fiscal of such County or Borough, to a Penalty not exceeding Five Pounds for every such Offence,

Offence, or to Imprisonment for a Period not exceeding Thirty Days.

XVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; that is to say, Interpreta-
tion.

Words importing the Singular shall include the Plural Number, and Words importing the Plural shall include the Singular Number :

Words importing the Masculine Gender shall also include Females: The Word "Month" shall mean Calendar Month :

The Expression "Public House" shall include a common Inn, Alehouse, Victualling House, or other Premises in which any exciseable Liquors are sold by Retail to be drunk or consumed in the Premises in which the same are sold :

The Word "Certificate" shall mean a Certificate to a Person to keep a Public House in Terms of the said recited Act and of this Act.

XVIII. And be it enacted, That this Act shall commence and take effect from and after the passing hereof. Commence-
ment of Act.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be
amended.

SCHEDULE.

Form of Certificate for Inns, Hotels, &c.

At a General Meeting for granting Publicans Certificates held by Her Majesty's Justices of the Peace acting in and for the County, [or of the Magistrates of the Royal [or Parliamentary] Burgh, as the Case may be,] of holden at within the said County [or Burgh,] on the Day of in the Year One thousand eight hundred and for the Purpose of authorizing Persons to keep Common Inns, Alehouses, and Victualling Houses, Her Majesty's Justices of the Peace acting in and for the said County, [or the Magistrates of the said Burgh,] assembled at the said Meeting, did authorize and empower *A. L.*, now dwelling at the Sign of the at in the Parish of and County [or Burgh] aforesaid, to keep a Common Inn, Alehouse, or Victualling House, for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, or other exciseable Liquors other than Porter, Ale, Beer, Cyder, or Perry, [or of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] provided the said *A. L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him or her on that Behalf granted, on the Terms and Conditions following; that is to say, That the said *A. L.* do not fraudulently adulterate the Bread and other Victuals and Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weights or Measures which are not of the legal Imperial Standards*; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct within the said House or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls and Boys, to assemble and meet therein; and do not supply Liquor to Boys and Girls apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any drinking on any Part of the Premises

* *Note.*—If the House or Premises have not been previously licensed, here insert the Words, "and do not sell any Groceries or other such Commodities in the said House " or Premises."

belonging

belonging thereto, or sell or give out therefrom any Liquors, before
of the Clock in the Morning or after of the
Clock at Night of any Day, with the Exception of Refreshment to
Travellers or to Persons requiring to lodge in the said House or
Premises; and do not open his House for the Sale of any Liquors,
or sell the same, before the Hour of Half-past Twelve in the
Afternoon on the Lord's Day, except for the Accommodation
of Lodgers and bonâ fide Travellers; and, lastly, do maintain good
Order and Rule within his House and Premises. This Certificate
to continue in force, upon the Terms and Conditions aforesaid,
from the Day of One thousand eight
hundred and and until the Day of
One thousand eight hundred and
and no longer.

The above Certificate is made out according to the Deliverance
in the Book or Register appointed to be kept in Terms of
the Act of Parliament.

C.D., Clerk.

Form of Certificate for Public Houses.

At a General Meeting for granting Publicans Certificates held by
Her Majesty's Justices of the Peace acting in and for the County,
[or of the Magistrates of the Royal [or Parliamentary] Burgh, *as the
Case may be,*] of holden at within
the said County [or Burgh], on the Day of
in the Year One thousand eight hundred and for the
Purpose of authorizing Persons to keep Common Inns, Alehouses,
and Victualling Houses, Her Majesty's Justices of the Peace acting
in and for the said County, [or the Magistrates of the said Burgh],
assembled at the said Meeting, did authorize and empower A.L.,
now dwelling at the Sign of the at
in the Parish of
and County [or Burgh] aforesaid, to keep a Common Inn, Ale-
house, or Victualling House, for the Sale in the said House, but not
elsewhere, of Victuals, and of Spirits, Wine, or other exciseable
Liquors other than Porter, Ale, Beer, Cyder, or Perry, [or of
Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] provided the
said A.L. shall be licensed and empowered to sell such Liquors under
the Authority and Permission of any Excise Licence to him or her
on that Behalf granted, on the Terms and Conditions following; that is
to say, That the said A.L. do not fraudulently adulterate the Bread and
other Victuals and Liquors sold by him, or sell the same knowing them
to have been fraudulently adulterated; and do not use in selling the
same any Weights or Measures which are not of the legal Imperial
527. D Standards;

Standards* ; and do not knowingly permit any Breach of the Peace or riotous or disorderly Conduct within the said House or Premises ; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls and Boys, to assemble and meet therein ; and do not supply Liquor to Boys and Girls apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication ; and do not permit or suffer any unlawful Games therein ; and do not keep open House, or permit or suffer any drinking on any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before of the Clock in the Morning or after of the Clock at Night of any Day, with the Exception of Refreshment to Travellers or to Persons requiring to lodge in the said House or Premises ; and do not open his House for the Sale of any Liquors, or sell the same, on the Lord's Day ; and, lastly, do maintain good Order and Rule within his House and Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and until the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

Form of Certificate for Dealers in Spirits, &c.

At a General Meeting for granting Publicans Certificates held by Her Majesty's Justices of the Peace acting in and for the County, [*or of the Magistrates of the Royal [or Parliamentary] Burgh, as the Case may be,*] of holden at within the said County, [*or Burgh*], on the Day of in the Year One thousand eight hundred and for the Purpose of authorizing Persons to keep Common Inns, Alehouses, and Victualling Houses, Her Majesty's Justices of the Peace acting in and for the said County, [*or the Magistrates of the said Burgh,*] assembled at the said Meeting, did authorize and empower A.L., now dwelling at in the Parish of and County [*or Burgh*] aforesaid, to keep Premises for the Sale in the said House, but not elsewhere, of Spirits, Wine, or other exciseable Liquors, other than Porter, Ale, Beer, Cyder, or Perry, [*or of Porter, Ale, Beer, Cyder, or Perry,*] provided the

* *Note.*—If the House or Premises have not been previously licensed, here insert the Words, "and do not sell any Groceries or other such Commodities in the said House or Premises."

said

said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him or her on that Behalf granted, on the Terms and Conditions following ; that is to say, That the said *A.L.* do not fraudulently adulterate the Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated ; and do not use in selling the same any Weights or Measures which are not of the legal Imperial Standards ; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct within the said House or Premises ; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls and Boys, to assemble and meet therein ; and do not supply Liquor to Boys and Girls apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication ; and do not permit or suffer any unlawful Games therein ; and do not sell any Spirits, Wine, or other exciseable Liquors, [*or* Porter, Ale, Beer, Cyder, or Perry,] to be drunk or consumed on the Premises belonging thereto, or sell or give out therefrom any Liquors, before of the Clock in the Morning or after of the Clock at Night of any Day ; and do not open his House for the Sale of any Liquors, or sell the same, on the Lord's Day ; and, lastly, do maintain good Order and Rule within his House and Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and until the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

Public Houses (Scotland).

A

B I L L

INTITULED

An Act for the better Regulation of
Public Houses in Scotland.

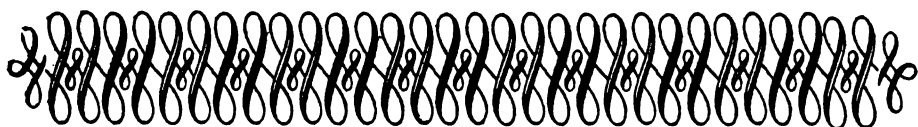
(Brought from the Lords 1 July 1850.)

*Ordered, by The House of Commons, to be Printed,
8 July 1850.*

Under 2 oz.

527.

20 February 1850. 13 VICT.



A

B I L L

FOR

Enabling Town Councils to establish Public Libraries and Museums.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS it is expedient to promote the Establishment Preamble.
and Extension of Public Libraries, and to give greater
Facilities than now exist for establishing and extending
Public Museums of Art and Science, in Municipal Boroughs, for
5 the Instruction and Recreation of the People : Be it enacted by
the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same, That
an Act passed in a Session of Parliament held in the Eighth and
10 Ninth Years of the Reign of Her present Majesty, intituled "An Act for
"encouraging the Establishment of Museums in large Towns," shall
from and after the *passing of this Act* be repealed ; and that it shall
be lawful for the Council of any Municipal Borough to purchase
or take on Rent, with or without Payment of Fine, any Lands or
15 Buildings for the Purpose of forming Public Libraries or Museums
of Art and Science, or both, and to erect, alter, and extend any
Buildings for such Purpose, and to maintain and keep the same
in good Repair, and to accept any Gifts, Grants, or Devises of
Lands, Tenements, or Hereditaments for the Purpose of establishing,
20 improving, or maintaining such Libraries or Museums ; and that, for
74. the

Repeal of Act
8 & 9 Vict.
c. 43. for
Establish-
ment of
Museums in
large Towns.
Councils of
Municipal
Boroughs
may establish
Museums
and Libraries,
and levy a
Rate for that
Purpose.

the Purchase, building, extending, altering, and repairing such Lands and Buildings, and Payment of such Rent and Fines, and for other Purposes of this Act, and for the Payment of any Principal Money and Interest borrowed under the Authority of this Act, it shall be lawful for the Council to levy, with and as Part of the Borough 5 Rate, or by a separate Rate to be levied in like Manner as the Borough Rate, such Sums of Money as shall be from Time to Time needed, so that the whole Amount of the Borough Rate be not increased in any One Year for the Purposes of this Act by more than *One Halfpenny* in the Pound, or if a separate Rate be levied 10 so that such Rate do not in any One Year amount to more than *One Halfpenny* in the Pound on the annual Value of the Property in the Borough rateable to the Borough Rate.

Town
Councils to
provide the
Things ne-
cessary for
the Enjoy-
ment of such
Museums
and Libra-
ries, and to
appoint
proper Offi-
cers.

II. And be it enacted, That out of the Monies to be raised under the Provisions of this Act it shall be lawful for the Town Council, or 15 for such Committees as they shall appoint for all or any such Purposes, from Time to Time to purchase and provide such Fuel, Lighting, Fixtures, Furniture, and other Matters, for the convenient and useful Occupation and Enjoyment of such Libraries, Museums, and Premises, and to appoint such Officers and Servants, with such Salaries and Re- 20 munerations, and to make such Rules and Regulations for the Safety and Use of the said Libraries and Museums, and for the Admission of Visitors and others, as to them shall seem fit; and that any such Committee may be appointed for such Times only and composed of such Persons (whether Members of the Council or not) as the Council may 25 think fit, and may at any Time be dissolved by the said Council.

Town
Council, with
the Appro-
bation of the
Treasury,
may borrow
Money on
Credit of the
Borough
Rates, for
carrying out
the Purposes
of this Act.

III. And be it enacted, That for the Purchase of such Lands, and the erecting, extending, altering, and repairing of such Buildings, it shall be lawful for the Council of any such Municipal Borough as afore- 30 said, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to borrow at Interest such Sums of Money as may be required for the same, on the Security of the Borough Rates, as aforesaid, or of the separate Rate authorized by this Act.

Buildings for
Museums and
Libraries,
and the Pro-
perty therein,
to be held by
the Council
of the Bo-
rough in
trust for the
Benefit of the
Inhabitants.

IV. And be it enacted, That the Lands and Buildings so purchased, erected, extended, or altered as aforesaid, and also all Books, Maps, 35 Specimens of Art and Science, Fixtures, Furniture, and Articles of every Description, which may be presented to or purchased for any such Library or Museum, or the said Council for the Purposes of such Library or Museum, or to any Committee appointed by them, shall be vested in and held upon trust for ever by the Mayor, Aldermen, 40 and Burgesses of the Borough in which such Library or Museum shall be situated, and shall be managed by the Council of the Borough (or

(or by a Committee or Committees appointed by them), and kept in fit and proper Order, for the Benefit of the Inhabitants of the Borough and others resorting thereto.

V. And be it enacted, That Admission to such Libraries and
5 Museums shall be free of all Charge.

Admission to
Museums
and Libraries
to be free of
Charge.

VI. And be it enacted, That this Act may be amended or
repealed by any Act to be passed in this Session of Parliament.

Act may be
amended, &c.

Public Libraries and Museums.

A

B I L L

For enabling Town Councils to establish
Public Libraries and Museums.

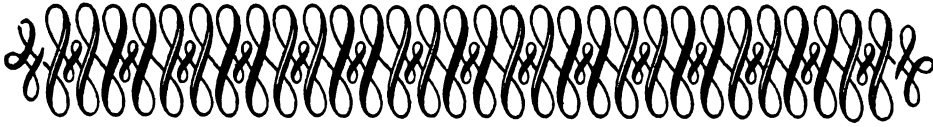
(Prepared and brought in by
Mr. Buart, Mr. Brotherton, and Mr. George
Alexander Hamilton.)

*Ordered, by the House of Commons, to be Printed,
20 February 1850.*

74.

Under 1 oz.

16 May 1850. 13 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

FOR

Enabling Town Councils to establish Public
Libraries and Museums.

[Note.—*Clauses A. and B. and the Schedule were added by the
Committee.*]

WHEREAS it is expedient to promote the Establishment Preamble.
and Extension of Public Libraries, and to give greater
Facilities than now exist for establishing and extending
Public Museums of Art and Science, in Municipal Boroughs, for
5 the Instruction and Recreation of the People: Be it enacted by
the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same, That
an Act passed in a Session of Parliament held in the Eighth and
10 Ninth Years of the Reign of Her present Majesty, intituled "An Act for
"encouraging the Establishment of Museums in large Towns," shall
from and after the passing of this Act be repealed; and that it shall Act may be
be lawful for the Mayor, upon the Request of the Town Council of adopted in
any Municipal Borough (the Population of which, according to the any Muni-
15 last Account taken thereof by Authority of Parliament, exceeds Ten pal Borough.
thousand Persons), to ascertain whether the Provisions of this Act
shall be adopted for such Borough, in manner following; that is to
say, by causing a Notice to be affixed on or near the Door of the
347. A Town

Town Hall of the said Borough, and on or near the Door of every Church or Chapel within the said Borough, and to be inserted in some Newspaper published in such Borough, or, if there be none such, in some Newspaper published in the County in which such Borough is situate, and circulating in such Borough, specifying on what Day, 5 not earlier than Ten Days after the affixing and Publication of such Notices, and at what Place or Places within the said Borough, the Burgesses are required to signify their Votes for or against the Adoption of this Act; which Votes shall be received on such Day, commencing at Nine of the Clock in the Forenoon and ending at Four of 10 the Clock in the Afternoon of such Day; and the said Notice shall be to the Effect of Form No. 1. in the Schedule hereto annexed.

CLAUSE A.
Mayor to appoint Places for taking the Votes.

II. And be it enacted, That the Mayor shall appoint Places and Persons for taking the said Votes, and they shall be there taken by such Persons, and such Questions may be put to each Voter, and with 15 such Liability in case of a false Answer, as at Elections under the Act to provide for the Regulation of Municipal Corporations in England and Wales; and the Declaration of Vote of the Voters shall be to the Effect of Form No. 2. in the said Schedule.

Burgesses on the Burgess Roll entitled to vote.

III. And be it enacted, That every Burgess who shall be enrolled 20 on the Burgess Roll for the Time being of such Borough shall be entitled to vote for or against the Adoption of this Act, and no Person who shall not be enrolled on such Burgess Roll for the Time being shall be entitled so to vote; and the Mayor, in the Presence of Two or more Members of the Town Council of such Borough, shall examine 25 the Votes, and shall, by public Notice in manner herein-after mentioned, declare whether Two Thirds of the Votes given have been given in favour of the Adoption of the said Act; and the Adoption or Non-adoption of this Act shall be decided by such Number of Votes as aforesaid; and Notice of the Adoption of this Act by the Borough shall 30 be forthwith given by affixing the same at or near the Door of the Town Hall of the said Borough, to the Effect of Form No. 3. in the said Schedule; and if it shall be determined in manner aforesaid that the Provisions of this Act shall be adopted for such Borough, then it shall be lawful for the Town Council to purchase or take on Rent, with or without Pay- 35 ment of Fine, any Lands or Buildings for the Purpose of forming Public Libraries or Museums of Art and Science, or both, and to erect, alter, and extend any Buildings for such Purpose, and to maintain and keep the same in good Repair, and to accept any Gifts, Grants, or Devises of Lands, Tenements, or Hereditaments for the Purpose of establishing, 40 improving, or maintaining such Libraries or Museums; and that for the Purchase, building, extending, altering, and repairing such Lands and Buildings, and Payment of such Rent and Fines, and for other Purposes

Purposes of this Act, and for the Payment of any Principal Money and Interest borrowed under the Authority of this Act, it shall be lawful for the Council to levy, with and as Part of the Borough Rate, or by a separate Rate to be levied in like Manner as the
 5 Borough Rate, such Sums of Money as shall be from Time to Time needed: Provided always, that the whole Amount of Rate levied for the Purposes of this Act do not in any One Year amount to more than One Halfpenny in the Pound on the annual Value of the Property in the Borough rateable to the Borough Rate.

10 IV. And be it enacted, That out of the Monies to be raised under the Provisions of this Act it shall be lawful for the Town Council, or for such Committees as they shall appoint for all or any such Purposes, from Time to Time to purchase and provide such Fuel, Lighting, Fixtures, Furniture, and other similar Matters, for the convenient and
 15 useful Occupation and Enjoyment of such Libraries, Museums, and Premises, and to appoint such Officers and Servants, with Salaries and Remuneration, and to make such Rules and Regulations for the Safety and Use of the said Libraries and Museums, and for the Admission of Visitors and others, as to them shall seem fit; and that
 20 any such Committee may be appointed for such Times only and composed of such Persons (whether Members of the Council or not) as the Council may think fit, and may at any Time be dissolved by the said Council.

Town Councils to provide the Things necessary for the Enjoyment of such Museums and Libraries, and to appoint proper Officers.

V. And be it enacted, That for the Purchase of such Lands, and
 25 the erecting, extending, altering, and repairing of such Buildings, it shall be lawful for the Council of any such Municipal Borough as aforesaid, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to borrow at Interest such Sums of Money as may be required for the same, on the Security of the said yearly
 30 Amount of Borough Rate authorized by this Act.

Town Council, with the Approbation of the Treasury, may borrow Money on Credit of the Borough Rates, for carrying out the Purposes of this Act.

VI. And be it enacted, That the Lands and Buildings so purchased, erected, extended, or altered as aforesaid, and also all Books, Maps, and Specimens of Art and Science which may be presented to, and all Fixtures, Furniture, and Articles of every Description which may
 35 be presented to or purchased for, any such Library or Museum, or to or for the said Council for the Purposes of such Library or Museum, or to or for any Committee appointed by them, shall be vested in and held upon trust for ever by the Mayor, Aldermen, and Burgesses of the Borough in which such Library or Museum
 40 shall be situated, and shall be managed by the Council of the Borough (or by a Committee or Committees appointed by them), and kept in fit and proper Order, for the Benefit of the Inhabitants of the Borough and others resorting thereto.

Buildings for Museums and Libraries, and the Property therein, to be held by the Council of the Borough in trust for the Benefit of the Inhabitants.

shall be situated, and shall be managed by the Council of the Borough (or by a Committee or Committees appointed by them), and kept in fit and proper Order, for the Benefit of the Inhabitants of the Borough and others resorting thereto.

Admission to
Museums
and Libraries
to be free of
Charge.

VII. And be it enacted, That Admission to such Libraries and 5
Museums shall be free of all Charge.

CLAUSE B.
After Deter-
mination
against
Adoption of
this Act, not
to be again
proposed
within One
Year.

VIII. And be it enacted, That if the Burgesses shall determine in the Manner aforesaid against the Adoption of this Act, it shall not be lawful within One Year after such Determination again to take the Votes of the Burgesses of the said Borough in manner aforesaid for 10 the Purpose of ascertaining whether the Provisions of this Act shall be adopted for such Borough.

Museums
begun or
established
under re-
pealed Act
to be main-
tained, &c.

IX. And be it enacted, That, notwithstanding the Repeal of the said Act hereby repealed, all Museums established or begun under the Provisions of the said repealed Act may be lawfully maintained, 15 completed, and managed by the Ways and Means in this Act provided, in all respects as if such Museums had been established and begun under the Sanction and Provisions of this Act.

Short Title
of Act.

X. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the 20 Expression " Public Libraries Act, 1850."

Act may be
amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE.

No. 1.

IN pursuance of the Provisions of an Act of Victoria, Chapter
for enabling Town Councils to establish Public Libraries and Museums,
the Burgesses of this Borough are hereby required, on the
Day of to signify by a Declaration, either printed or
written, or partly printed and partly written, and to be delivered to
the Mayor or his Deputy at the Places under mentioned, their Votes
for or against the Adoption of the aforesaid Act.

(Signed) A.B., Mayor.

N.B.—The Situation, Division, and Allotments of the different
Places for delivering the said Votes are as follows: [*Here insert the
Place or Places at which the Burgesses are to vote, in like Manner as
in Elections under the Act to provide for the Regulation of Municipal
Corporations in England and Wales.*]

No. 2.

I do hereby vote [for or against, as the Case may be,] the Adop-
tion of the Act of the Year of the Reign of Queen Victoria,
Chapter , for enabling Town Councils to establish Public
Libraries and Museums.

(Signed) A.B.

[*Here insert the Name of the Street, Lane, or other Place in which
the Property for which the Voter appears to be rated on the Burgess
Roll is situated.*]

No. 3.

Notice is hereby given, that this Borough has adopted the Provi-
sions of an Act of the Victoria, Chapter , for enabling
Town Councils to establish Public Libraries and Museums, and that
the Numbers of the Majority and Minority of Votes given for or
against the Adoption of the said Act are as follow; that is to say,

Votes for the Adoption of the said Act, and
Votes against it. Dated this Day of A.D.

(Signed) A.B., Mayor.

Public Libraries and Museums.

A

B I L L

[AS AMENDED BY THE COMMITTEE, ON RE-
COMMITMENT, AND ON CONSIDERATION OF
BILL AS AMENDED]

For enabling Town Councils to establish
Public Libraries and Museums.

(Prepared and brought in by
Mr. Ewart, Mr. Brotherton, and Mr. George
Alexander Hamilton)

Ordered, by the House of Commons, to be Printed,
24 July 1850.

606.

Under 1 oz.

Railways Abandonment Bill.

ARRANGEMENT OF CLAUSES.

Railway Company may make Application to Commissioners of Railways for Leave to abandon their Undertaking ; Sect. 1.

Directors may call Meeting, and Shareholders may require Directors to call Meeting, to consider of Application ; 2, 3.

After Receipt of Requisition, Directors not to make any new Payments, new Contracts, or new Calls ; 4.

Mode of calling Meeting, and ascertaining the Consent of the Shareholders to the Application ; 5.

Chairman of the Meeting ; 6.

Election of Scrutineers, and Adjournment of Meeting on their Application ; 7, 8.

Certificate of the Chairman of the Meeting having been held, to be Evidence ; 9.

Shareholders desiring Abandonment, and complaining that the Sense of the Company has not been fairly ascertained, may apply to the Commissioners ; 10.

Suspension of Proceedings on Railway, if Meeting determine that Application shall be made ; 11.

Notice by Advertisements of Application ; 12.

Commissioners of Railways to inspect the Company's Books, &c., and to send an Officer for local Inspection, and may by Warrant authorize the Abandonment of the Railway or Part of Railway described in the Warrant ; 13, 14.

In considering Objections of Shareholders to partial Abandonment, Commissioners to have regard to local Circumstances ; Power to reduce or cancel the Shares of the Objectors in certain Cases ; 15.

Abandonment of Railway to be advertised, and Demands for Compensation to be sent in, within Times limited ; 16.

Commissioners of Railways to certify the Publication of the Notice of the Warrant ; 17.

Commissioners of Railways to certify the Publication of the Notice of the Warrant ; 18.

After the granting of Warrant and Publication of Notice the Company to be released from Liability to make the Railway ; 19.

Compensation in certain Cases ; 20.

Compensation to Landowners in lieu of Accommodation Works ; 21.

For Compensation or otherwise in Cases of Bridge or Tunnel across abandoned Line of Railway ; 22, 23.

Amount of Compensation to be settled by Arbitration. Claims for Compensation to be made within Twelve Months after Publication of Warrant for Abandonment ; 24.

Compensation for Damage occasioned by Entry on Lands for taking Levels, &c. ; 25.

Lands purchased by the Railway Company to be sold within a limited Time ; 26.

Reduction of Capital where Part of a Railway is authorized to be abandoned ; 27.

After Warrant for Abandonment of the whole Railway the Powers of the Company are to cease, except for winding up ; 28.

Winding-up Acts to apply to any Company where Order for winding-up was made prior to the passing of said Acts ; 29.

Under Warrant for total Abandonment, Shareholders may petition for winding up, under 11 & 12 Vict. c. 45. ; 30,

In case of winding up under such Petition, Landowners are to be deemed Creditors in respect of the Compensation given by this Act ; 31.

Actions or Suits not to be affected ; 32.

Sealed Agreements for Construction not to be invalidated unless with Consent ; 33.

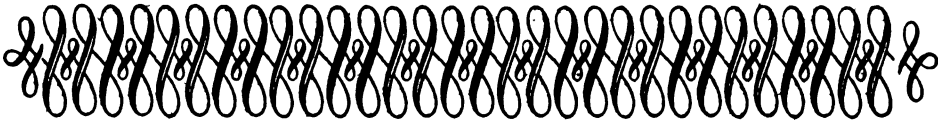
Commissioners to report to Parliament when Abandonment authorized by them ; 34.

Interpretation of Terms ; 35.

Short Title ; 36.

Act may be amended ; 37.

15 April 1850. 13 VICT.



A

B I L L

INTITULED

An Act to facilitate the Abandonment of Railways,
and the Dissolution of Railway Companies, in
certain Cases.

WHEREAS divers Joint Stock Companies have been incor-
porated by Act of Parliament for making Railways, and
it has been found that such Railways, or certain Parts
thereof, cannot be made or carried on with Advantage either to the
5 Promoters thereof or to the Public, and it is expedient therefore that
Facilities should be given for the Abandonment of such Railways or
Parts of Railways, and for the Dissolution of such Companies, or some
of them, and winding up the Concerns thereof: Be it therefore enacted
by the Queen's most Excellent Majesty, by and with the Advice and
10 Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same, That
if any Company authorized by Act of Parliament heretofore passed to
make a Railway desire that the making and carrying on of such Railway
or some Part thereof, whether commenced or not, be abandoned, such
15 Company may, by the Authority and with the Consent of the Holders
of Three Fifths of the Shares or Stock of such Company, represented
in manner herein-after mentioned at a General Meeting of Shareholders
to be convened in manner herein-after mentioned, make Application in
Writing to the Commissioners of Railways, setting forth the Particulars

Preamble.

Railway
Company
may make
Application
to Commis-
sioners of
Railways to
be allowed
to abandon
their Under-
taking.

236.

A

of

of the Railway or Portion of the Railway desired to be abandoned by them, and the Grounds upon which such Application is made.

Directors may call Meeting to consider such Application. II. And be it enacted, That it shall be lawful for the Directors of any such Railway Company at any Time to call a Meeting of the Shareholders thereof for the Purpose of determining whether such Application shall be made to the Commissioners of Railways, and so from Time to Time as they shall see fit. 5

Shareholders may require Directors to call Meeting. III. And be it enacted, That it shall be lawful for any Number of Shareholders of any such Company, not being less than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, and which Shareholders shall have paid all the Calls then due on the Shares held by them, by Writing under their Hands to require the Directors of such Company to call a Meeting for the Purpose aforesaid; and upon the Receipt of any such Requisition such Directors shall forthwith proceed to call a Meeting of the Shareholders of such Company on a Day to be named by them, not being less than Fourteen nor more than Twenty-eight Days after the Receipt of such Requisition: Provided always, on the Default of the Directors to call and advertise such Meeting within Fourteen Days after the Receipt of the Requisition, it shall be lawful for the Requisitionists to call such Meeting themselves, at a Time and Place to be appointed by them, of which Fourteen Days Notice shall be given by them by Advertisement as herein-after provided: Provided also, that when any Meeting of any such Company shall have been called pursuant to any such Requisition as aforesaid, the Directors of such Company shall not be required to call any further Meeting of such Company upon any further Requisition for the like Object until Twelve Months shall have elapsed since the holding of such previous Meeting. 15 20 25 30

After Receipt of Requisition, Directors not to make any Payments, except under existing Liabilities, nor to enter into new Contracts, nor to make new Calls. IV. And be it enacted, That after any such Meeting has been called by the Directors, or after the Receipt of any such Requisition as aforesaid, it shall not be lawful for the Directors to make any Payments out of the Monies of the Company for the Purposes of the Railway proposed to be abandoned, except in discharge of bonâ fide Debts or Liabilities, or in performance of Contracts or Engagements previously entered into, and in payment of the Expenses of calling and holding such Meeting, nor to enter into any Contracts or Engagements on behalf of the Company with respect to the Railway so proposed to be abandoned, nor to make any Calls, nor to register the Transfer of any Shares, until the Meeting called as aforesaid shall have determined whether such Application shall be made. 35 40

V. And

V. And be it enacted, That the calling of any such Meeting shall be by public Advertisement in the Manner required or usually adopted for advertising the Extraordinary General Meetings of such Company, and where such Meeting is called by the Directors of the Company a Circular Letter shall be sent by the Post addressed to each of the registered Shareholders of such Company, according to his registered Address or other known Address, Seven clear Days at least before the holding of such Meeting, and stating that a General Meeting of the Shareholders of such Company will be held at a Time and Place mentioned in such Circular, for the Purpose of determining whether Application shall be made to the Commissioners of Railways that such Railway or the Part thereof specified in such Notice may be abandoned, and requesting such Shareholder to signify his Assent to or Dissent therefrom, which may be according to a Form to be contained in such Circular Letter, which Form shall be to the Effect set forth in the Schedule hereto, and such Circular Letter shall request such Shareholder either to return such Form, signed by him, in a Letter addressed to the Secretary of such Company, or to attend such General Meeting as aforesaid, and deliver the same, so signed by him, to the Chairman thereof; and in the Case of every such Meeting, whether called by the Directors or by such Requisitionists as aforesaid, the Shareholders may signify their Assent to or Dissent from the proposed Application, either by attending such Meeting in Person or by Letter addressed to the Secretary of the Company, stating the Assent or Dissent of such Shareholders, in a Form which shall be to the Effect of the Form set forth in the Schedule hereto, and signed by such Shareholders respectively.

Mode of calling Meeting, and signifying the Consent of the Shareholders to the Application.

VI. And be it enacted, That at the Meeting so to be called as aforesaid the Scrutineers to be appointed as herein-after mentioned shall cast up the Amount of Shares held by Shareholders assenting to the making of such Application, and the Amount of Shares held by Shareholders dissenting therefrom, whether such Assent or Dissent have been signified by the Shareholder sending to the Secretary of the Company such Form as aforesaid, signed by him, or by such Shareholder attending such Meeting, and delivering in the same to the Chairman thereof, and such Scrutineers shall report to the Chairman the Amount of Shares of the Shareholders assenting to such Application, and the Amount of the Shares of those dissenting therefrom, and the said Chairman shall thereupon publicly announce to the Meeting the said Amounts respectively, and shall state whether or not the Holders of Three Fifths of the whole of such Shares represented in manner aforesaid at the Meeting consent to such Application: Provided always, that in computing the Amount

The Number of the Shareholders assenting or dissenting to be ascertained by Scrutineers, and reported to the Chairman.

Shares represented in manner aforesaid at the Meeting consent to such Application : Provided always, that in computing the Amount of Shares of the Shareholders assenting or dissenting as aforesaid no Share shall be taken into account the Holder whereof shall not have been duly registered, or who shall not have paid all the Calls then 5 due by him upon all the Shares held by him, unless such Calls shall have been made within Three Months prior to the holding of such Meeting, or if such Meeting be held pursuant to a Requisition of Shareholders as herein-before provided, then Three Months prior to the Day on which such Requisition was presented to the Directors. 10

Chairman of the Meeting. VII. And be it enacted, That the Chairman of the Directors of such Company, if present, or in his Absence the Deputy Chairman, if any, of such Directors, shall be the Chairman of such Meeting as aforesaid, or if neither such Chairman nor Deputy Chairman of the Directors be present, any Shareholder chosen for that Purpose by a Majority of the 15 Shareholders present at the Meeting shall be the Chairman thereof.

Meeting to elect Scrutineers. VIII. And be it enacted, That at every such Meeting the Shareholders present thereat shall elect Three Shareholders of the Company to be Scrutineers for the Purposes aforesaid, and in electing such Scrutineers each Shareholder shall have One Vote only, and shall 20 vote for One Scrutineer only ; and the Decision of such Scrutineers, or of any Two of them, upon any of the Matters hereby intrusted to them, shall be final in all respects.

Adjournment of Meeting on Application of Scrutineers. IX. And be it enacted, That for the Purpose of receiving the Report of the said Scrutineers the Chairman of such Meeting may, 25 if he think fit, on the Application of any One of such Scrutineers, and he shall, if required by more than One of such Scrutineers, adjourn such Meeting to some Time to be appointed by him, not less than One clear Day nor more than Seven clear Days from the Day of holding such Meeting. 30

Certificate of the Chairman to be Evidence. X. And be it enacted, That a Certificate under the Hand of the Chairman of the Meeting, stating that such Meeting as aforesaid has been duly held, and such Consent given as aforesaid in Cases where the same is given, shall within One Week after the Day of holding such Meeting be deposited in the Office of the said Commissioners of 35 Railways.

Shareholders desiring Abandonment, and complaining that the Sense of the Company has not XI. Provided always, and be it enacted, That if it appear to any of the Shareholders of any such Company who shall have signed any such Requisition, or been present at any such Meeting as aforesaid at which the Proposal to apply to the said Commissioners to autho- 40 rize the Abandonment of the whole or Part of a Railway shall have been negatived or alleged to be negatived, either that such Meeting was

was not duly called, or that the Sense thereof was not duly taken according to the true Intent and Meaning of this Act, and that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent of such Meeting to the proposed Application would have been given, it shall be lawful for any such Shareholders, not being less in Number than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, and which Shareholders shall have paid all the Calls then due on the Shares held by them, to apply to the said Commissioners, setting forth in Writing the Grounds on which they complain of the Decision alleged to have been come to at such Meeting as aforesaid, and praying that a further Meeting may be called, and if it appear to the said Commissioners (after hearing the Parties complained of, if they desire to be heard,) that there is good Reason to believe that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, the said Commissioners shall certify their Judgment to that Effect, and shall direct a further Meeting to be called by the Directors of such Company at a Time and Place to be appointed by the said Commissioners, and the said Directors shall call such Meeting accordingly, or in default thereof it shall be lawful for the Shareholders who complained to the said Commissioners of the Proceedings of the former Meeting to call such Meeting, and all the Provisions of this Act shall apply to any further Meeting so directed to be called in like Manner as to any original Meeting herein-before authorized or required to be called.

XII. And be it enacted, That if at any such Meeting any Railway Company shall determine, as herein-before mentioned, that such Application as aforesaid shall be made, or if the said Commissioners shall certify as aforesaid their Judgment, that if such Meeting had been duly called and the Sense thereof duly taken the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, then, as from the Date of the Resolution so come to at such Meeting, or the Date of the said Certificate, as the Case may be, the Directors of such Company shall not have Power to proceed any further with the making of the Railway, or the Part thereof so proposed to be abandoned, until the Decision of the Commissioners of Railways with respect to such Application be made, and then only in accordance with such Decision.

XIII. And be it enacted, That if it appear to the said Commissioners that there are sufficient Grounds for entertaining such Application, the

Advertisements of Application.

the said Commissioners shall require and direct the Company making the same to give Notice of such Application having been made, by Advertisement inserted, in a Form to be approved of by the said Commissioners, once in the London, Edinburgh, or Dublin Gazette, according as the Railway or Part of the Railway proposed to be abandoned is situate in England, Scotland, or Ireland, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part proposed to be abandoned of such Railway is situated, and affixed for Three successive Sundays on the principal outer Door of the Church or Churches of every Parish in which any Part of such Railway where the whole is proposed to be abandoned, or in which any Part proposed to be abandoned, is situate, and in Ireland such Notice shall also be affixed to the Roman Catholic Chapel, and where there shall be no such Church or Chapel on some public or conspicuous Place of such Parish, and every such Notice shall set forth within what Time and in what Manner any Person who thinks himself aggrieved by any such proposed Abandonment, and who desires to object thereto, may bring such Objection before the Commissioners.

Commissioners to have Power to inspect the Company's Books and other Documents, and to send an Officer for local Inspection.

XIV. And be it enacted, That, for the Purpose of ascertaining the State and Condition of the Company making any such Application, and of inquiring into the Expediency of the proposed Abandonment of Railway, and of determining the Terms and Conditions on which the same may be authorized by them, it shall be lawful for the Commissioners of Railways, by themselves or by any Officer appointed and specially empowered by them for that Purpose, to inspect the Books of Accounts, Minutes of Proceedings, or any other Books, Papers, or Documents in the Possession or Control of such Company, and also, if they see fit so to do, to send, at the Expense of such Railway Company, or at the Expense of any Person who applies to them for that Purpose, an Officer to be appointed by them to inspect the Railway or proposed Railway or Work so proposed to be abandoned, and to collect Evidence on the Spot relative to such Abandonment; and if any such Company, or any of their Officers or Servants, shall refuse such Inspection by the said Commissioners, or any Officer appointed and specially empowered by them for that Purpose, or refuse or wilfully neglect to produce to the said Commissioners or any such Officer, on Demand, any Books, Papers, or Documents, in the Possession or Control of such Company, every such Company shall for every such Refusal or Neglect forfeit to Her Majesty the Sum of Twenty Pounds, and a further Sum of Five Pounds for every Day during which such Refusal or wilful Neglect shall be continued.

XV. And

XV. And be it enacted, That upon Proof to the Satisfaction of the said Commissioners that such Notice has been duly given, and after the Expiration of the Time therein appointed for bringing Objections before the said Commissioners, and after considering all the
 5 Objections, if any, brought before them, the said Commissioners may, if they think fit, and upon such Terms and Conditions as they think fit, by Warrant under their Seal, and signed by Two or more of the said Commissioners, authorize the Abandonment of the Railway or Portion of Railway described in such Warrant.

Commissioners of Railways may by Warrant authorize the Abandonment of the Railway or Part of Railway described in the Warrant.

10 XVI. Provided always, and be it enacted, That in considering the Objections which may be made by any of the Shareholders of any Railway Company to the proposed Abandonment of a Part only of the Railway of such Company, and in determining the Terms and Conditions on which the said Commissioners may think fit to autho-
 15 rize any such partial Abandonment, the said Commissioners shall have regard to the local Situation of the Lands and Residences of the Shareholders so objecting with reference to the Portion of Railway proposed to be abandoned; and in the Case of any such Shareholders being original Subscribers to the Undertaking, and not being
 20 Solicitors, Agents, or Engineers employed in promoting the same, and whose Places of Residence or Lands are adjoining or near the Line of the Portion of Railway so proposed to be abandoned, it shall be lawful for the said Commissioners, if they think fit so to do, in any Direction which (under the Provision herein-after contained)
 25 they may give for reducing the Capital of the Company authorized to construct such Railway, to provide, at the Request of any such last-mentioned Shareholders, that the nominal Amount of the Shares held by them in such Company may be reduced to the Amount then already paid up by them respectively, or to such other Extent
 30 as the said Commissioners may think fit to order in that Behalf, or the said Commissioners may, at the like Request, direct any such Shares to be cancelled, and a Part of the Monies that may have been paid up in respect of such Shares, bearing such Proportion to the whole as the said Commissioners having regard to all the Circum-
 35 stances of the Case shall think fit to determine, to be repaid to such Shareholders.

In considering Objections of Shareholders to partial Abandonment, Commissioners to have regard to local Circumstances.

Power to reduce or cancel the Shares of the Objectors in certain Cases.

XVII. And be it enacted, That within One Month after the Day on which any such Warrant as aforesaid is granted by the said Commissioners the Railway Company to which the same applies shall
 40 cause Notice thereof to be inserted in the London, Edinburgh, or Dublin Gazette, according as the Railway or Part of Railway mentioned therein is situate in England, Scotland, or Ireland, and once in each of Three successive Weeks in some Newspaper published or
 334. circulating

Abandonment of Railway to be advertised, and Demands on the Company for Compensation to be sent in.

circulating in each County in which any Part of such abandoned Railway is situate, and to be affixed for Three successive Sundays on the principal outer Door of the Church or Churches of every Parish in which any such Part of such Railway is situate, and in Ireland such Notice shall also be affixed to the Roman Catholic Chapel, and 5 where there shall be no such Church or Chapel, on some public or conspicuous Place of such Parish; and every such Notice shall require all Persons having any Claims or Demands upon the said Company for Compensation or otherwise by reason of the Abandonment of Railway authorized by such Warrant to transmit the State- 10 ment of such Claims or Demands to the Secretary of such Company, at the Office or usual Place of Business of the same Company, within Four Months from the Date of such Warrant.

Com-
mis-
sioners of
Railways to
certify the
due Publi-
cation of the
Notice of the
Warrant.

XVIII. And be it enacted, That, upon Proof to the Satisfaction of the said Commissioners that Notice of such Warrant has been duly pub- 15 lished in manner herein-before required, the said Commissioners shall certify the same accordingly; and such Certificate shall be received in all Courts of Justice or elsewhere as Evidence that such Notice was duly published as aforesaid.

After the
granting of
Warrant the
Company to
be released
from Lia-
bility to make
the Railway.

XIX. And be it enacted, That after the granting of any such 20 Warrant, and the Publication of such Notice thereof as aforesaid, the Company shall (subject to the Provisions herein-after contained) be released from all Liability to make; maintain, or work the Railway mentioned in such Warrant, or the Part thereof thereby authorized to be abandoned, or to purchase any of the Lands required for the 25 making thereof, or to complete the Purchase of any such Lands for the Purchase of which Notice may have been given, or any Contract entered into, by or on behalf of the Company, or to complete any Contract for or concerning the making, maintaining, or working of the Railway so to be abandoned, or any other Contract relating to 30 the Railway or Part of Railway so authorized to be abandoned which by reason of such Abandonment cannot be performed: Pro- vided always, that nothing in this Act contained shall extend to release the Company from any Liability to complete the Purchase of any Land for the Purchase of which any Contract may have been 35 entered into by or on behalf of the Company, and which Contract may have been in part performed, or by virtue or in pursuance of which a specified Sum or Price as the Consideration for the Purchase of the Lands thereby agreed to be sold to or taken by the Company shall have been fixed or ascertained previously to the passing of this 40 Act, notwithstanding the Time for the Completion of the Purchase named in such Contract shall have been subsequently extended by Agreement or Arrangement with the Company.

XX. Pro-

XX. Provided always, and be it enacted, That in every Case in which before the granting of any such Warrant any Notice hath been given or Contract entered into by or on behalf of the Company named therein for purchasing any Lands which such Company were by the Acts relating thereto empowered to purchase for the Purpose of constructing the Railway or Portion of Railway so authorized to be abandoned, and from which Contract such Company would be relieved under the Provisions herein-before contained, or where any Contract hath been entered into for or concerning the constructing, maintaining, or working of the Railway or Part of Railway so authorized to be abandoned, or any other Contract relating thereto, which by reason of such Abandonment cannot be performed, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands, or being Parties to such Contracts as aforesaid, Compensation, to be determined by Arbitration as herein-after mentioned, for all Injury or Damage, if any, sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Notice, or by reason of such Contract not being performed.

Compensation to be made where Contracts have been entered into or Notice given.

XXI. And be it enacted, That where any Railway or Part of a Railway so authorized to be abandoned shall have been then made or commenced, such Company shall make to the Owners and Occupiers of the Lands adjoining the Railway or Part of a Railway so commenced or made, and authorized to be abandoned, Compensation, to be determined by Arbitration as herein-after mentioned, for all such Injury or Damage, if any, as shall be sustained by such Owners or Occupiers by reason of the Omission to make Gates, Passages, Drains, Watercourses, Bridges, and such other Works, for the Accommodation of Lands adjoining the Railway, as such Company would have been required to make if such Railway had not been allowed to be abandoned.

Compensation to adjoining Land-owners in lieu of Accommodation Works.

XXII. And be it enacted, That where the Line of any Railway so authorized to be abandoned shall have been wholly or partially laid out, and any Road shall have been carried across such Line of Railway by means of a Bridge or Tunnel over or under such Railway, which Bridge or Tunnel the Company to whom such Railway belonged would, in case the same had not been abandoned, have been liable to keep in repair, then in every such Case, except where such Bridge or Tunnel shall, with the Permission of the said Commissioners, be by such Company removed, and such Road restored to the like or an equally convenient and good State as the same was in before it was interfered with by the Makers of such Railway, to the Satisfaction (in case of Difference between such Company and the

Where Roads have been carried across abandoned Line of Railway by means of a Bridge or Tunnel, Company to make Compensation, in lieu of keeping Bridges, &c. in repair, except where the Road is restored to its former State.

the Owner or Persons having the Management of such Road) of the Commissioners of Railways, such Company shall pay to the Owner of such Road, if it be a private Road, or to the Trustees, Surveyors of Highways, or other Persons having the Management of such Road, if it be a Turnpike or other public Road, a Sum of 5 Money, to be determined by Arbitration as after mentioned, in lieu and discharge of their Liability to keep such Bridge or Tunnel, and also the Roadway over the same, in repair.

Compensation to Trustees and Overseers of public Roads, how to be applied.

XXIII. And be it enacted, That every Sum so to be paid as last aforesaid to such Trustees, Surveyors, or other Persons as aforesaid 10 shall be by them forthwith paid over to the Treasurer of the County where the Bridge or Tunnel in respect of which such Sum was paid is situate, and shall be by him invested in Consolidated Bank Annuities or other Public Securities, and the Dividends or Income thereof shall, until Parliament shall otherwise provide, be applied in the Maintenance of the Bridge or Tunnel in respect whereof the same was paid, 15 in such Manner as the Justices in Quarter Sessions having Jurisdiction where such Bridge or Tunnel is situate shall order.

The Amount of Compensation to be settled by Arbitration. 8 & 9 Vict. c. 20. ss. 126 to 136. 8 & 9 Vict. c. 33. ss. 119 to 129. Claims for Compensation to be made within Twelve Months after Publication of Warrant for Abandonment.

XXIV. And be it enacted, That the Amount of the Compensation so to be made in the several Cases aforesaid shall be determined, 20 in case of Difference, by Arbitration, in the Manner provided by the Railways Clauses Consolidation Act, 1845, or the Railways Clauses Consolidation Act, Scotland, 1845, as the Case may require, and for that Purpose all the Clauses of the said Railways Clauses Consolidation Acts with respect to the Settlement of Disputes by Arbitration 25 shall be deemed to be incorporated with this Act: Provided always, that no such Railway Company shall be liable to make any Compensation in respect of Damage alleged to have been sustained by reason of the Abandonment of the Railway or Part of the Railway, or the Non-completion of any Contract of such Company in any of the 30 Cases aforesaid, unless the Claim for such Compensation shall have been made within Six Months after the Publication in the Gazette of the Notice of the Warrant for such Abandonment as herein-before provided.

Company to be still liable for Damage occasioned by their Entry on Lands for taking Levels, &c. 8 & 9 Vict. c. 18. s. 84. 8 & 9 Vict. c. 19. s. 83.

XXV. Provided also, and be it enacted, That the Authority so as 35 aforesaid given for abandoning the making of any such Railway or Part of a Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands to receive from such Company Compensation for any Damage that may have been occasioned by the Entry of such Company upon such Lands, for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant 40

suant to the Provisions for that Purpose in the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act (Scotland), 1845, contained.

XXVI. And be it enacted, That all the Lands acquired by such
 5 Company for the Purposes of the Railway or Part of Railway so
 authorized to be abandoned shall be sold by such Company within
 the Time limited or prescribed for that Purpose in the Warrant autho-
 rizing the Abandonment of such Railway, and if no Time be therein
 prescribed for that Purpose, then within Two Years from the Date of
 10 such Warrant, in the Manner prescribed by the said Lands Clauses
 Consolidation Acts with respect to the Sale of superfluous Lands; and
 for that Purpose all the Clauses of the said last-mentioned Acts with
 respect to the Lands acquired by the Promoters of the Undertaking
 under the Provisions of their special Act, but which are not required
 15 for the Purposes thereof, shall be deemed to be incorporated with
 this Act: Provided always, that the Offer to be made by the
 Railway Company pursuant to the said Acts to sell such Lands to
 the Person entitled to the Lands from which the same were severed
 shall be made at a Price or Sum not greater than the Price or Sum at
 20 which such Lands were purchased by such Company.

Lands pur-
 chased by the
 Railway
 Company to
 be sold with-
 in a limited
 Time.
 8 & 9 Vict.
 c. 18. ss. 127
 to 132.
 8 & 9 Vict.
 c. 19. ss. 120.
 124.

XXVII. And be it enacted, That when the said Commissioners of
 Railways, by any such Warrant as aforesaid, authorize the Abandon-
 ment of a Part only of the Railway of any Railway Company, they
 may, if they think fit, require that the Capital authorized to be raised
 25 by such Company in respect of such Railway shall be reduced to
 such Extent and in such Manner as the said Commissioners think fit,
 but not so as to affect any Part of such Capital which shall then have
 been paid up or called for, and so that such Reduction do not bear
 a greater Proportion to the whole Capital so authorized to be raised
 30 than the Cost of the Part of the Railway so authorized to be abandoned
 would have borne to the Cost of the whole Railway; and they may
 also, if they think fit, in like Manner reduce the Amount which such
 Company are authorized to borrow on Mortgage or Bond, and every
 such Reduction shall be expressed in the said Warrant; and in every
 35 such Case the Capital of such Company, and their Power of borrow-
 ing Money, shall be reduced and limited in conformity with the
 Directions for that Purpose contained in such Warrant; and such
 Company shall have all the same Powers for enforcing the Payment of
 Calls in respect of the Shares in the Capital when reduced in the
 40 Manner required by the said Commissioners, and for enforcing the
 Forfeiture of any such Shares in default of Payment of such Calls,
 as such Company would have had in respect of the original Capital
 of such Company if this Act had not been passed.

Where Part
 of a Railway
 is authorized
 to be aban-
 doned, the
 Commis-
 sioners may
 require the
 Capital to be
 reduced.

After Warrant for Abandonment of the whole Railway the Powers of the Company are to cease, except for winding up.

XXVIII. And be it enacted, That after the granting of any such Warrant as aforesaid for the Abandonment of the whole Railway of any Railway Company the Powers of such Company for the Construction, Maintenance, and Management of such Railway shall cease, and such Company shall continue to exist only for the Purpose of winding up their Affairs, and they shall accordingly, subject to the Provisions herein contained with respect to the Sale of Lands acquired by such Company for the Purposes of their Railway, proceed with all convenient Speed to collect and to convert into Money all their Property and Effects, and shall in the first place pay and satisfy all their Debts and Liabilities, and after full Payment and Satisfaction thereof shall distribute the surplus Funds among the Shareholders of the Company in proportion to their Shares and Interests therein, and for the Purposes aforesaid all the Powers of such Company shall continue in full Force and Effect; and when and so soon as the same shall have been fully accomplished, such Company shall be dissolved, and cease to exist.

CLAUSE A.
Provisions of 11 & 12 Vict. c. 45. and 12 & 13 Vict. c. 108. to apply to the Winding-up of any Railway Company, where the Order for such Winding-up was made prior to passing of said Acts.

XXIX. And be it enacted, That notwithstanding the Provision in the Joint Stock Companies Winding-up Amendment Act, 1849, excepting Railway Companies incorporated by Act of Parliament from the Application of the Joint Stock Companies Winding-up Act, 1848, the said Two several Acts shall nevertheless apply to any Railway Company incorporated by Act of Parliament in respect of which an Order may have been made by the Court of Chancery for winding up the Affairs of such Company previous to the passing of the said Joint Stock Companies Winding-up Amendment Act, 1849, and the Proceedings for winding up the same shall proceed and be carried on under the said Joint Stock Companies Winding-up Act, 1848, and the said Joint Stock Companies Winding-up Amendment Act, 1849, or either of them.

When Warrant has been granted for abandoning the whole Railway, Shareholders may petition for winding up, under the 11 & 12 Vict. c. 45.

XXX. And be it enacted, That where any such Warrant as aforesaid shall have been granted for the Abandonment of the whole Railway of any Railway Company in England or Ireland, any Shareholder of such Company may present a Petition under the Joint Stock Companies Winding-up Act, 1848, or any Act for the Amendment of such Act, for the winding up of the Affairs of such Company under the said Act, and for that Purpose the Railway Company whose Railway is so authorized to be abandoned shall, if the Court shall think fit so to order, (notwithstanding anything to the contrary thereof in the said Joint Stock Companies Winding-up Act, or in the Joint Stock Companies Winding-up Amendment Act, 1849,) be deemed to be a Company to which the said Act applies.

12 & 13 Vict. c. 108.

XXXI. And

XXXI. And be it enacted, That in the event of the Affairs of any such Company being wound up under any such Petition, the Compensation herein-before directed to be given to the Owners and Occupiers of Lands and others in respect of the Damage sustained by them by reason of such Abandonment in the Cases herein-before mentioned, or by reason of the Non-completion of any such Contract as aforesaid, or otherwise, shall be deemed a Demand claimed from, and when ascertained in the Manner provided by this Act a Debt due from, such Company, and the Party by whom such Compensation is claimed shall be deemed a "Creditor" within the Provisions of the said Joint Stock Companies Winding-up Act; and in case any Lands purchased by such Railway Company shall be sold by the Official Manager under the said Act, they shall be sold in the Manner and subject to the Provisions contained in this Act.

In case of Petition for winding up, Landowners are to be deemed Creditors in respect of the Compensation given by this Act.

XXXII. Provided always, and be it enacted, That this Act, or any Proceeding thereunder, shall not prejudice or affect any Action or Suit or other Proceeding at Law or in Equity commenced before the Eleventh Day of February One thousand eight hundred and fifty, or any Action or Suit brought in connexion with and during the Dependence of and involving the same Matter with such Action or Suit, but all such Actions and Suits and other Proceedings shall be proceeded with, and Judgments recovered, and Rules, Orders, and Decrees made therein shall be enforced, as if this Act had not been passed.

Act not to affect Actions or Suits.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the Abandonment by any Company of any Railway or Portion of a Railway, or other Works, which such Company has agreed under its Corporate Seal to make and construct, according to any Agreement entered into either with any Individual or with any other Company, unless such Individual or Company shall consent in Writing to such Abandonment.

Nothing herein to authorize Abandonment of any Railway agreed to be constructed, without Consent.

XXXIV. And be it enacted, That in each Case in which the said Commissioners authorize the Abandonment of the whole or a Portion of a Railway, they shall, within Ten Days after issuing their Warrant for that Purpose, if Parliament be then sitting, or if not, then as soon thereafter as Parliament meets, lay before both Houses of Parliament a Copy of every such Warrant accompanied by such Report and Observations as shall in the Judgment of such Commissioners set forth and explain the Reasons for their Award and Warrant in every such Case as aforesaid.

Commissioners to report to Parliament where Abandonment authorized by them.

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D

XXXV. And

Company, and the Party by whom such Compensation is claimed shall be deemed a "Creditor" in England or Ireland within the Provisions of the said Joint Stock Companies Winding-up Act, or in Scotland within the Provisions of the said recited Act of the Second and Third Years of the Reign of Her present Majesty; and in case any 5 Lands purchased by such Railway Company shall be sold by the Official Manager under the said Act, they shall be sold in the Manner and subject to the Provisions contained in this Act.

Act not to affect Actions or Suits.

XXXV. Provided always, and be it enacted, That this Act, or any Proceeding thereunder, shall not prejudice or affect any Action or 10 Suit or other Proceeding at Law or in Equity commenced before the Eleventh Day of February One thousand eight hundred and fifty, or any Action or Suit brought in connexion with and during the Dependence of and involving the same Matter with such Action or Suit, but all such Actions and Suits and other Proceedings shall be 15 proceeded with, and Judgments recovered, and Rules, Orders, and Decrees made therein shall be enforced, as if this Act had not been passed.

Nothing herein to authorize Abandonment of any Railway agreed to be constructed, without Consent.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the 20 Abandonment by any Company of any Railway or Portion of a Railway, or other Works, which such Company has agreed under its Corporate Seal to make and construct, according to any Agreement entered into either with any Individual or with any other Company, unless such Individual or Company shall consent in Writing to such 25 Abandonment.

Commissioners to report to Parliament where Abandonment authorized by them.

XXXVII. And be it enacted, That in each Case in which the said Commissioners authorize the Abandonment of the whole or a Portion of a Railway, they shall, within Ten Days after issuing their Warrant for that Purpose, if Parliament be then sitting, or if not, then as soon 30 thereafter as Parliament meets, lay before both Houses of Parliament a Copy of every such Warrant accompanied by such Report and Observations as shall in the Judgment of such Commissioners set forth and explain the Reasons for their Award and Warrant in every such Case as aforesaid.

35

Interpretation of Terms.

XXXVIII. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number only shall include the 40 Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Words

- Words importing the Masculine Gender shall extend to Females : Gender :
The Word "Person" shall include Body Corporate : "Person :"
The Word "Lands" shall include Messuages, Tenements, and "Lands :"
Hereditaments :
- 5 The Word "Railway" shall include all Works, Buildings, and "Railway :"
Undertakings, authorized to be constructed or carried on in
connexion with the Railway or belonging thereto :
The Word "Shares" shall include Stock : "Shares :"
The Word "Month" shall mean Calendar Month. "Month."
- 10 XXXIX. And be it enacted, That in citing this Act in other Acts Short Title.
of Parliament, and in legal and other Instruments and Proceedings,
it shall be sufficient to use the Expression "The Abandonment of
Railways Act, 1850."
- 15 XL. And be it enacted, That this Act may be amended or repealed Act may be
by any Act to be passed in the present Session of Parliament. amended, &c.

SCHEDULE referred to by the foregoing Act.

(1.) Name of Railway.	(1.) Name of Shareholder.	(1.) No. and Amount of Shares or Stock held by him.	(2.) Whether assenting or dissenting.

- (1.) The Secretary will insert these Particulars.
(2.) In this Column the Shareholder will write the Word "assenting"
or "dissenting," as the Case may be, and sign his Name thereunder.

Railways Abandonment.

A

B I L L

[AS AMENDED BY THE COMMITTEE, ON
RE-COMMITMENT, AND ON CONSIDERATION OF
BILL AS AMENDED,]

INTITLED

An Act to facilitate the Abandonment
of Railways, and the Dissolution of
Railway Companies, in certain Cases.

(*Brought from the Lords 21 March 1849.*)

*Ordered, by The House of Commons, to be Printed,
4 June 1850.*

417.

Under 3 oz.

Railways Abandonment Bill.

AMENDMENT MADE BY THE LORDS TO THE AMENDMENTS MADE BY THE COMMONS, WITH THEIR REASONS.

The Lords agree to the Amendments made by the Commons as far as Page 8. Line 11.

The Lords disagree to the Amendment made by the Commons in Page 8. Line 11., being to leave out from ("performed") to ("Provided") in Line 23., for the following Reasons:

Because the Monies covenanted to be paid by the Company in the Contracts therein mentioned will have been rightfully considered by the Landowners to have been secured to them, and Settlements may have been entered into, or other Lands agreed to be purchased, on the Faith of receiving the same, from which Engagements the Parties will be unable to release themselves.

Because, inasmuch as those Landowners with whom the Company have fulfilled their Contracts cannot be required to refund any Portion of the Sums received by them, the proposed Release of the Company from their Contracts to the other Parties would operate unequally, and would be generally most unjust to those who had treated the Company with the greater Indulgence in not having pressed for immediate Payment.

Because where extravagant Engagements may have been entered into to very large Amounts with Parties whose Properties in consequence of the Abandonment of a Line will be altogether freed from that Injury for which such Compensation was awarded, it will be open to the Company to apply to Parliament for special Powers, in order to enable them to come to a fair Settlement of such Claims, and it is better that this Necessity should be incurred in such exceptional Cases, than that the Principle of the Protection afforded in the Proviso should be abandoned in a general Act.

The Lords agree to the rest of the Amendments made by the Commons to the said Bill.

AMENDMENT MADE BY THE LORDS

TO THE

AMENDMENTS MADE BY THE COMMONS,

WITH THEIR REASONS.

*Ordered, by The House of Commons, to be Printed,
18 July 1850.*

57b.

Under 1 oz.

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9 & 10 Vict.
c. 105.

The Words "Commissioners of Railways" shall mean the Commissioners empowered and acting under an Act passed in the Ninth and Tenth Years of Her present Majesty, intituled "An Act for constituting Commissioners of Railways :"

The Word "Goods" shall include Things of any Kind conveyed upon a Railway, except Minerals, and Passengers as herein-after defined :

The Word "Passengers" shall include Horses, Carriages, and Luggage belonging to Persons travelling by Trains carrying Passengers :

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Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number :

Words importing the Masculine Gender only shall include Females.

Companies may be required to stop Passenger Trains at Junctions.

III. And be it enacted, That when any Company shall have provided a Train to meet any Passenger Train on the Railway of another Company at the Junction, the latter Company shall, within *One Month* after having received from the former Company Notice in Writing so to do, cause such Passenger Train to be stopped at the said Junction for the Purpose of carrying on the Passengers arriving by the said first-mentioned Train : Provided always, that no such Notice shall authorize the stopping of any Mail Train, unless with the Consent of the Postmaster General.

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Companies may be required to provide Passenger Trains at Junctions.

IV. And be it enacted, That when any Company shall have provided a Passenger Train to run to the Junction with the Railway of another Company at their respective Termini, the latter Company shall, within *One Month* after having received from the former Company Notice in Writing so to do, provide a Passenger Train to carry on the Passengers arriving by the said first-mentioned Train, and to run in connexion therewith.

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Penalty for not stopping or not providing Trains.

V. And be it enacted, That if any Company to whom any such Notice as aforesaid to stop or to provide Trains shall have been given shall not have complied therewith within due Time thereafter, such Company shall forfeit to the Company giving such Notice the Sum of *Fifty Pounds* for each Train which shall not have been stopped, or which shall not have been provided, pursuant to such Notice.

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Companies aggrieved by being required to stop or pro-

VI. And be it enacted, That if any Company shall consider itself aggrieved by having to stop or to provide any Train in manner aforesaid on the Requisition of another Company, after such Arrangement shall have continued for the Space of *One Month* it shall be

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be lawful for them, after giving due Notice in Writing to the latter Company, specifying the Stoppage or the Train objected to by them, to apply to the Commissioners of Railways, who shall thereupon determine summarily, upon such Evidence as they shall think fit, whether such Stoppage or such Train shall be continued or not; and in case it shall appear to the said Commissioners that the Company upon whose Requisition such Stoppage was made or such Train was provided has acted vexatiously, or that there was no reasonable Prospect of a remunerative Traffic to arise from such Stoppage being made or such Train being provided, it shall be lawful for the said Commissioners to award to the Company aggrieved such Sum as they shall think fit by way of Damages, to be recovered from the Company upon whose Requisition such Stoppage was made or such Train was provided.

vide Trains may apply to the Commissioners of Railways.

VII. And be it enacted, That upon the Arrival of a Train at a Junction for the Purpose of being forwarded along the Railway of another Company, such Company shall, unless the Company upon whose Railway such Train has travelled to the Junction shall otherwise desire, attach and carry on such of the Carriages of the Train so arriving as, being a First-class Carriage, shall contain not less than Six Passengers, or, being a Second-class Carriage, shall contain not less than Ten Passengers, or, being a Third-class Carriage, shall contain not less than Twelve Passengers; and in case of their refusing so to do they shall forfeit to the Company requiring such Carriages to be attached and carried on the Sum of Five Pounds for every Carriage which they shall not so attach and carry on; but if any of the Carriages of the said Train shall contain respectively a less Number of Passengers than as aforesaid, then the Company about to carry on the Train shall be at liberty either to attach such Carriages, or to accommodate the Passengers contained in them in their own Carriages.

Companies to be bound to attach Carriages of other Companies containing a certain Number of Passengers.

VIII. And be it enacted, That if any Train running in connexion with the Train of another Company shall arrive at the Junction after the Train in connexion with it has departed, owing either to the former Train arriving after, or to the latter Train starting before, the Time specified in the Time Tables, the Passengers in such first-mentioned Train shall be forwarded to their Destination at the Expense of the Company causing the Irregularity.

Trains arriving after Time to be forwarded at the Expense of the Company causing such Irregularity.

IX. And be it enacted, That at all Junctions of Two or more Railways there shall be provided, at the Expense of the respective Companies, proper and sufficient Accommodation for Passengers and Goods, and for the Booking and Management of the Traffic; and if any

Accommodation for Passengers and Goods at Junctions to be provided

by the Companies.

any Dispute shall arise between the Companies as to the Nature of the Accommodation to be provided, or as to the Proportion of Expense to be borne by each Company, the same shall be determined by Arbitration in the Manner provided by the "Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by 5 Arbitration.

Companies to furnish each other with Time Tables, and to give Notice of intended Alterations in Trains, and afford Information to Parties applying. Penalty for giving false Information.

X. And be it enacted, That all Companies shall furnish to each other when required, from Time to Time, correct Lists or Tables of the Times of the Arrivals and Departures of their Passenger and Goods Trains, and shall give sufficient Notice of any intended Alterations in the Arrangement and Regulation of Trains, and shall at all Times furnish to Parties applying at their Booking Offices such Information as may be required relative to the Times of Arrivals and Departures of Trains; and if in any Case Information shall be withheld or wrong Information shall be wilfully given at any of the Booking 15 Offices of the Company, the Company shall for every such Offence forfeit to the Party aggrieved the Sum of *Five Pounds*.

When Two Places are connected by Two or more Railways, Passengers to be booked by the shortest Route.

XI. And be it enacted, That whenever any Two Stations or Termini are connected by more than One Railway, whether the same shall belong to or be under the Control of One or of more Companies, 20 it shall not be lawful for any Company to book or convey Passengers or Goods by any Train by means of which, in connexion with other Trains, Passengers may be conveyed to their Destination by more than One Route, otherwise than by the shortest of such Routes, unless at the express Desire of the Passengers or Consigners of the 25 Goods; and if in any such Case as aforesaid any Company shall book or convey any Passengers or Goods by any other than the shortest Route, unless at the express Desire of the Passengers or Consigners of the Goods, they shall for every such Offence forfeit to the Party aggrieved thereby the Sum of *Ten Pounds*: Provided nevertheless, 30 that in any such Case as aforesaid the Commissioners of Railways shall have a discretionary Power, upon the Application of any Railway Company, of relieving such Company, either wholly or partially, from the Obligation to book by the shortest Route, in Cases where it shall appear to them that the public Convenience would not be 35 thereby affected.

Penalty for booking otherwise than by shortest Line.

Commissioners of Railways to have a discretionary Power to relieve Companies from Obligation to book by the shortest Route.

Railways acting as Carriers to carry Goods to and from all Junctions.

XII. And be it enacted, That every Company acting as Carriers shall act as Carriers to and from all Junctions with the Line on which they shall so act as Carriers, and receive, convey, and deliver all Kinds of Goods at and for, and to and from, such Junctions, as 40 cheaply, frequently, expeditiously, and conveniently in every respect as they receive, convey, and deliver the like Goods at and for, and to

to and from, any other Station on their Railway; and it shall not be lawful for any Company acting as Carriers to favour, in the Receipt, Conveyance, or Delivery of Goods, any particular Person or Company, to the Prejudice of any other Person or Company; and if any Company
 5 shall in any respect fail to comply with any of the aforesaid Provisions they shall for every such Offence forfeit to the Party aggrieved thereby the Sum of *Fifty Pounds*.

Penalty for Noncompliance.

XIII. And be it enacted, That when Goods shall have been conveyed to a Junction in the Waggon of any Company, for the
 10 Purpose of being forwarded along the Railway of another Company, it shall be lawful for the Company which shall have conveyed such Goods to the Junction to require the other Company to attach and carry on all or any of such Waggon, the former Company paying Toll to the latter Company for each such Waggon as if it contained
 15 a fair average Load.

Goods Waggon arriving at Junctions to be forwarded if required.

XIV. And be it enacted, That when any Minerals shall have been conveyed to a Junction, and Notice of their Arrival shall have been given at such Junction, and that the same are to be forwarded, such Minerals shall be considered as delivered to the Company to whom
 20 such Notice shall have been given, and they shall be bound to forward the same within *Twelve* Hours after the Receipt of such Notice, and in default thereof shall forfeit to the Company or Person giving such Notice the Sum of *Twenty Shillings* for every Waggon so delayed.

Minerals arriving at a Junction to be forwarded within Twelve Hours after Notice.

Penalty for Default.

XV. And be it enacted, That, save as herein-before is expressed,
 25 nothing in this Act contained shall extend to charge or make liable any Company further or in any other Case than where, according to the Laws of the Realm, Stage-coach Proprietors and Common Carriers would be liable, nor shall extend in any Degree to deprive any Company of any Protection or Privilege which Stage-coach
 30 Proprietors and Common Carriers may be entitled to, but, on the contrary, such Company shall at all Times be entitled to the Benefit of every such Protection and Privilege.

Save as aforesaid, Act not to extend the Liability of Companies as Common Carriers.

XVI. And whereas it is expedient to make Provision for preventing the Powers possessed by Companies of varying Tolls from being used
 35 for the Purpose of prejudicing or favouring particular Companies, or for the Purpose of collusively and unfairly creating any Monopoly in the Hands of any Company: Be it enacted, That, notwithstanding anything in the "Railways Clauses Act, 1845," or in any special Act, contained, all Tolls by any special Act authorized to be taken
 40 shall at all Times be charged equally to all Persons, and after the same Rate, whether per Mile, or per Ton per Mile, or otherwise, in
 98. B respect

Tolls to be charged equally for all Distances by the same Trains.

respect of all Passengers and of all Goods or Carriages of the same Description conveyed in a like Carriage by the same Train, whether passing over the whole or any Portion only of the Line of Railway.

Disputes as to Amount of Charges between Companies for Use of Engines, &c. to be settled by Arbitration.

XVII. And be it enacted, That if any Dispute or Question shall at any Time arise between any Two Companies as to the Amount of 5 Charges due by the one Company to the other for the Use or Demurrage of locomotive Engines or other moving Power, Carriages or Waggon, the same shall be settled by Arbitration in the manner provided by the "Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration. 10

Penalties and Damages, how to be recovered.

XVIII. And be it enacted, That every Penalty or Forfeiture and all Damages imposed or given by this Act shall be recovered, with Costs, by Action in any competent Court.

Act not to affect Power of Companies to contract with each other.

XIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to take away, alter, or affect the Power 15 of any Company under and by virtue of the "Railways Clauses Act, 1845," to enter into any Contract with any other Company for the Passage over or along the Railway of the one Company of any Engines, Coaches, Waggon, or other Carriages belonging to or passing along the Railway of the other Company, or for the Division 20 or Apportionment of the Tolls to be taken upon their respective Railways, whereby the Interests of Persons or Companies not Parties to any such Contract shall not be affected.

Act may be amended, &c.

XX. And be it enacted, That this Act may be amended or repealed 25 by any Act to be passed in the present Session of Parliament.

Railway Traffic.

A

B I L L

For the better Regulation of Railway
Traffic.

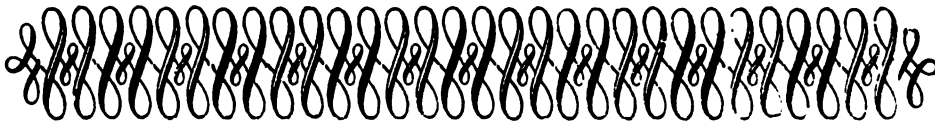
*(Prepared and brought in by
Mr. Ricardo, Lord George Manners, and
Mr. Cayley.)*

*Ordered, by The House of Commons, to be Printed,
28 February 1850.*

98.

Under 1 oz.

4 March 1850. 13 VICT.



A

B I L L

TO

Amend and extend certain of the Provisions of an Act of the Eighth and Ninth Years of Her present Majesty, for facilitating the Conveyance of Real Property.

WHEREAS by an Act made in the Ninth Year of Her present Majesty, intituled "An Act to facilitate the Conveyance of Real Property," it was among other things enacted, that in taxing any Bill of Costs for preparing and executing any Deed under the said Act the Taxing Officer should, in estimating the Sum proper to be charged, consider not the Length thereof, but only the Skill and Labour employed and Responsibility incurred in the Preparation thereof: And whereas it is expedient to extend the same Provision to the Case of all Deeds, Wills, and Instruments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in taxing any Bill of Costs for preparing or executing, or preparing and executing, any Deed, Will, or other Instrument in Writing, it shall be lawful for the Taxing Officer, and he is hereby required, in estimating the proper Sum to be charged for such Transaction, to consider not the Length

Preamble.
8 & 9 Vict.
c. 119.

Certain Provisions of recited Act extended to all Deeds, &c.

105.

of

of such Deed, Will, or other Instrument, but only the Skill and Labour employed and the Responsibility incurred in the Preparation thereof.

Extent of Act. II. And be it enacted, That this Act shall not extend to Scotland. 5

Act may be amended, &c. III. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Real Property Conveyance.

A

B I L L

To amend and extend certain of the Provisions of an Act of the Eighth and Ninth Years of Her present Majesty, for facilitating the Conveyance of Real Property.

*(Prepared and brought in by Mr. Headlam
and Mr. Wood.)*

*Ordered, by The House of Commons, to be Printed,
4 March 1850.*

105.

Under 1 oz.

Real Property Transfer Bill.

ARRANGEMENT OF CLAUSES.

- Interpretation of Terms ; Sect. 1.
To what Counties Act to extend ; 2.
Places of Registry ; 3.
Power to appoint Registrar General and other Officers ; Powers of
Registrar General as to Offices, Rules, &c. ; 4.
District Registrars ; 5, 6, 7, 8.
Registrar's Attendance ; 9.
Officers Oath ; 10. .
Penalty for Misconduct of Officers ; 11.
Power for Treasury to advance Money ; 12.
Provision as to Delivery of Documents to Registrar General, and as to
Registry thereof ; 13.
Authenticated Copies Evidence ; 14.
Maps, &c. ; 15.
Errors may be corrected ; 16.
Removal of Documents or Books contrary to Act a Misdemeanor ;
wilful or malicious Destruction, and false Entries, Felony ; 17.
Fees ; 18.
Registry not compulsory of Deeds executed prior to passing of Act ; 19.
Deeds which create Incumbrances to be executed ; 20.
Documents invalid until registered ; 21.
Equities to be registered separately ; 22.
Owners may register Lands ; 23.
Owner registering Lands shall register Incumbrances, otherwise Regis-
tration void ; 24.
Provision when Owner not in possession of Deeds ; Proviso saving
Rights of true Owners ; 25.
Provision as to registering Incumbrances by Incumbrancer ; 26.
If Action or Suit pending, Land or Incumbrance not to be registered
until Proceedings closed ; 27.
Wilfully procuring a false Title to be registered, Felony ; 28.
Transfers of Land how to be made ; 29.
Transfers and Discharges of Incumbrances how to be made ; 30.
Incumbrances after Act how to be created ; 31.

Transfer thereof; Discharge, &c. ; 32.

When Incumbrances existing at passing of Act are discharged, &c., on Registry, the Land to be free from Incumbrance, and vested in Owner ; 33.

Incumbrances ceasing by Operation of Law to be extinguished on Registry of Statement by Owner ; 34.

Powers implied in Incumbrances created after the Act comes into operation ; 35.

Disentailing Deeds may be registered ; 36.

Transfers by married Women to be by Deed acknowledged ; 37.

Registered Lands need not be registered or enrolled under other Acts ; 38.

Limits of Act ; 39.

Time when Act is to come into operation ; 40.

Act may be amended ; 41.

5 February 1850. 13 VICT.



A

B I L L

TO

Facilitate the Transfer of Real Property.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient to provide for the Registration of Preamble.
Documents relating to and for facilitating the Transfer
of Real Estates in England and Wales as after mentioned :
Be it therefore enacted by the Queen's most Excellent Majesty, by
5 and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by
the Authority of the same, That in the Construction of this Act,
except where the Context or other Provisions of the Act require a
different Construction, the Word "Land" shall mean and extend to "Land."
10 Manors, Advowsons, Rectories, Messuages, Lands, Tenements,
Tithes, Rents, and Hereditaments, whether corporeal or incorpo-
real, and whether Freehold of Inheritance or Leasehold under such
Lease or Grant as herein-after mentioned, and any undivided Share
thereof respectively, but shall not extend to or include any Heredi-
15 tament of Copyhold or Customary Tenure, or of the Tenure of
Customary Freehold; and the Word "Estate" shall extend to an "Estate."
Estate in Equity as well as at Law, and to the Benefit of any
Covenant or Contract for or Right of Renewal; and the Word
"Lease" shall mean any Lease or Grant for any Term of Years "Lease."
20 absolute which when created was not less than *Twenty-one* Years,
17. A and

and any Lease or Grant for One or more Life or Lives, or for Years determinable on One or more Life or Lives, or for any Life or Lives and any Term or Terms of Years concurrent, whether such Lease shall be derived out of the Inheritance, or by way of Underlease out of any Lease or other Estate; and the Words "Leasehold Land" 5 shall mean Land held by or by virtue of any such Lease or Grant as aforesaid; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee or for any less Estate or Interest, and also any Money secured by a Trust, and any Money secured by or due or payable upon or in respect of any Judgment, Decree, or 10 Order of any Court of Law or Equity of competent Jurisdiction, and any Judgment entered up by virtue of any Warrant of Attorney to confess Judgment, and shall include Lis pendens, and also any Legacy, Portion, Lien, or other Charge whereby a gross Sum of Money is charged on or secured to be paid or ordered to be paid by such Court 15 as aforesaid out of Land on an Event or at a Time either certain or contingent, and also any annual Charge which by the Instrument creating the same, or by any other Instrument, is made repurchasable on Payment of a gross Sum of Money, and any other annual Rent-charge issuing out of Land (not being Rent payable by a Lessee or 20 other occupying Tenant at a Rent), and the Dower or Freebench of any Widow entitled to Dower or Freebench; and the Word "Incumbrancer" shall mean any Person entitled to any such Incumbrance as aforesaid, or entitled to require the Payment or Discharge thereof, or entitled to any Estate or Interest in Lands in respect thereof; and the 25 Word "Possession" shall include the Receipt of the Rents and Profits of Land; and the Word "Owner," as applied to any Land, shall include any Person entitled, in possession, reversion, remainder, or expectancy, to Land for an Estate for Life or any greater Estate, and shall include the Assignee of any bankrupt or insolvent Person, and 30 any Person entitled, in possession, reversion, remainder, or expectancy, to a Lease as before defined, whether such Land be or be not subject to any Incumbrance, or Trust for Payment of an Incumbrance on such Land, either in Fee or for any lesser Estate, and Feoffees or Trustees for charitable or other Purposes, and shall extend to 35 Bodies Politic, Corporate, Aggregate, or Sole; and the Word "Document." "Document" shall include any Deed, Will, Award, or Instrument affecting Land, and any private Act of Parliament affecting Land, and any Decree or Judgment of any Court affecting the Ownership of Land, and every or any Statement, Evidence, or other Matter 40 hereby authorized to be registered, and every Transaction done or transacted by means of the Registry, but shall not include any Matter or Transaction which is not either in Writing or in Print or Lithograph, or partly in Writing and partly in Print or Lithograph; and the Word "Month." "Month." shall mean Calendar Month; and the Word "Oath" 45 shall

shall include Affirmation or other Declaration or Solemnity lawfully substituted for an Oath, except where otherwise provided; and the Word "Court" shall mean or include any Court in which any "Court." Matter or Proceeding shall be set down or entered for Trial, Hearing, 5 or Adjudication, and which shall be competent to hear and adjudicate thereon; and every Word importing the Singular Number shall extend to several Persons or Things; and every Word importing the Plural Number shall apply to One Person or Thing as well as more than One; and every Word importing the Masculine Gender shall 10 extend to a Female; and Words importing Sale and selling shall include the carrying into execution any Contract for Sale; and where the Registry of any Document, or any Act connected with the Registry thereof, is authorized or directed to be done by any Person, such Registry and Act may be done by the Assignee of any bank- 15 rupt or insolvent Person interested, and by the Guardian of any such Person being an Infant, and by the Committee of the Estate of any such Person being an Idiot or Lunatic, and by the Husband of any such Person being a married Woman (except that a married Woman entitled to any Land, Estate, or Incumbrance for her separate Use for 20 Life, or for any greater Estate, with or without Power of Anticipation, shall for the Purposes of this Act be considered as a Feme Sole); and this Act shall operate as well with respect to any Estate or Incumbrance created before the passing of this Act as (subject to the Provisions of this Act) with respect to any Estate or Incum- 25 brance to be hereafter created, but it shall not (except as aforesaid) give to Assignees, Infants, Guardians, Lunatics, Idiots, Committees, or Husbands, or any Feme Covert restrained from Anticipation, any Power of transferring or dealing with any Land or Incumbrance which they respectively would not have had if this Act had not 30 been passed.

II. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to order that this Act shall be put in force in such County or Counties as to Her Majesty, with the Advice aforesaid, from Time to Time, shall 35 seem fit, and this Act shall extend to the Counties concerning which any such Order shall have been made, and not otherwise or elsewhere.

To what Counties Act to extend.

III. And be it enacted, That it shall be lawful for Her Majesty, with the Advice aforesaid, to divide the whole or Part of any County, 40 including all Counties of Cities and Counties of Towns, Cities, Boroughs, Towns, and Ports, and Places, Liberties and Franchises therein contained or thereunto adjoining, into Districts, and to order that a Registry of Lands shall be established in each of such Districts, 17. and

Counties may be divided into Districts, and Places of Registry established.

and from Time to Time to alter such Districts as to Her Majesty, with the Advice aforesaid, shall seem fit, and to order from Time to Time that the Number of Districts in and for which such Registry shall be established shall be increased until the whole of such County shall be within the Provisions of this Act, and, with the Advice aforesaid, to 5 alter the Place of such Registry, or to consolidate any Two or more of such Districts; and if it shall appear to Her Majesty that any Part of any County, Liberty, City, Borough, or District may conveniently be declared within the Jurisdiction of the Registry of an adjoining County, it shall be lawful for Her Majesty, with the Advice aforesaid, 10 to order that such Part shall be taken to be within the Limits of the Registry established for the Purposes of this Act for such adjoining County, or for such District, as Her Majesty shall order, in like Manner as if it were Part of such adjoining County or District.

Appointment
of Registrar
General.

IV. And be it enacted, That it shall be lawful for Her Majesty or 15 Her Successors from Time to Time to appoint, by Sign Manual, a Person to be and to be called "The Registrar General of Lands in England," and, if Her Majesty or Her Successors see fit, One or more than One Assistant Registrar; and every such Registrar General and Assistant Registrar shall be entitled to hold his Office only during 20 the Pleasure of Her Majesty or Her Successors; and that in case of a Vacancy, by Death, Resignation, or otherwise, it shall be lawful for Her Majesty or Her Successors in manner aforesaid to supply such Vacancy; and that from Time to Time it shall be lawful for the Commissioners of Her Majesty's Treasury to fix the Salary of such 25 Registrar General and of each such Assistant Registrar, and the Sum to be paid to the Registrar General for the Purpose of paying or providing Clerks, Officers, and Servants to be employed in the Business of the Registry, and Offices, Books, and all other Matters necessary for the same, and of defraying other necessary Outgoings; and that it 30 shall be lawful for the Registrar General, with the Consent and Approbation of Her Majesty's Justices of the Court of Common Pleas or Exchequer, or any Two of them, to be expressed by their signing the same, to make Rules for regulating the Mode and Form in which Documents shall be registered and Transfers effected, and all other 35 Matters incidental to the Method of Registration, and from Time to Time, with the like Approbation, to alter or rescind existing Rules, and make others, and also for the Registrar General, with the Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time to hire or purchase Houses, Buildings, or Lands for 40 Offices for the Business of the Registry, and to alter, take down, rebuild, or adapt and fit up any Buildings so acquired, and to purchase Books, Stationary, and all other Articles; and it shall be lawful for the Registrar General to appoint, for the Business of the Registry, and dismiss

dismiss or suspend, Clerks, Officers, and Servants, and to define their respective Duties, and to pay them their respective Salaries ; and such Registrar General shall have a Seal of Office, to be by him used in the Authentication of all Matters relating to his Office in respect of
 5 which Authentication may be required ; and that any such Assistant Registrar shall, in the Absence of the Registrar General, be competent to do all things which the Registrar General is authorized or directed to do, as effectually as the Registrar General himself may do, and all Duties by this Act directed to be performed by the Registrar General
 10 may be performed by the Assistant Registrar : Provided always, that all Acts done by the Registrar General shall be deemed to be legally done, until the contrary shall be proved.

V. And be it enacted, That it shall be lawful for Her Majesty or
 Her Successors from Time to Time to appoint by Sign Manual a
 15 Registrar for each District for which a Registry shall be established, who shall also be entitled to hold his Office only during the Pleasure of Her Majesty or Her Successors ; and that in case of a Vacancy, by Death, Resignation, or otherwise, it shall be lawful for Her Majesty or Her Successors in manner aforesaid to supply such Vacancy,
 20 except only that when Two or more Districts shall have been consolidated any Vacancy so occasioned shall not be filled up ; and that from Time to Time it shall be lawful for the Commissioners of Her Majesty's Treasury to fix the Salary of each District Registrar, and the Sum to be paid to him for the Purpose of paying or providing Clerks,
 25 Officers, and Servants to be employed in the Business of his District Registry, and Offices, Books, and all other Matters necessary for the same, and of defraying necessary Outgoings ; and that it shall be lawful for the Registrar General, with the Consent and Approbation aforesaid, to make Rules for regulating the Mode and Form
 30 in which Documents shall be registered and Transfers effected in each District Registry, and all other Matters incidental to the Method of Registration as connected with such District, and from Time to Time to alter or rescind existing Rules, and make others, and to hire or purchase Houses, Buildings, or Lands for Offices for the
 35 Business of each District Registry, and to alter, take down, rebuild, or adapt and fit up any Buildings so acquired, and to authorize each District Registrar, subject to and under such Regulations as the Registrar General shall deem expedient, to purchase Books, Stationary, and all other Articles necessary for the District Registry, and to
 40 appoint for the Business of such Registry, and dismiss or suspend, Clerks, Officers, and Servants, and to define their respective Duties, and to pay them their respective Salaries, and to define the Mode, whether by a Seal of Office or otherwise, as the Registrar General shall deem expedient, in which Matters relating to each
 17. B District

District Registry requiring Authentication shall be authenticated, and the Manner in which and the Person by whom, in the Absence of the District Registrar, his Duties shall be performed: Provided always, that all Acts done by any District Registrar shall be deemed to be legally done until the contrary shall be proved. 5

District Registrar to forward Copies to Registrar General.

VI. And be it enacted, That each District Registrar shall, within a Time to be fixed by the General Regulations for the Time being in force under this Act, forward to the Registrar General an authenticated Copy of every Document, Plan, or Matter which shall be registered in his District. 10

District Registrar to forward Accounts to Registrar General.

VII. And be it enacted, That all Sums of Money which shall be received by or on account of each District Registrar shall be accounted for to the Registrar General, and the Receipts and Disbursements in respect of each District Registry shall be accounted for by him in the same Manner as the Receipts and Disbursements on 15 account of the principal General Registry are to be accounted for.

Powers of Registrar General extended to District Registrar.

VIII. And be it enacted, That all the Powers and Provisions of this Act, except those which in express Terms are vested in or relate to the Registrar General, may be exercised by and shall apply to each District Registrar. 20

Time of Attendance of Registrars.

IX. And be it enacted, That the Registrar shall not be absent from the Duties of his Office, except on account of ill Health or other urgent Cause, without express Leave in Writing of the Commissioners of Her Majesty's Treasury for that Purpose previously obtained; and that from the Hour of *Ten* o'Clock in the Forenoon 25 until *Five* in the Afternoon, and at such other Times as the said Commissioners shall appoint or as it shall be requisite, the Registrar, or, in the unavoidable, or, as aforesaid, permitted Absence of the Registrar, then an Assistant Registrar, shall give his Attendance at the said Office every Day throughout the Year, except Sundays, Good 30 Friday, Christmas Day, and any other general Holiday, Thanksgiving or Fast Day, appointed by Her Majesty in Council.

Officers Oath.

X. And be it enacted, That every Registrar General and Assistant Registrar, who shall be appointed under the Provisions and for the Purposes of this Act, shall, before he shall enter upon the Execu- 35 tion of his Office, be sworn before One of the Justices of the Court of Queen's Bench (who is hereby empowered and required to administer such Oath) in these Words:

' I A.B. will duly, faithfully, impartially, and honestly perform and
' execute the Office and Duty of [Name of Office] under the Act 40
' of

‘ of Parliament, intituled [Title of this Act] ; and further, that I
 ‘ will not disclose any Particular contained in any Deed, Document,
 ‘ Transfer, or Transaction which shall be registered or tendered to
 ‘ be registered pursuant to this Act, or any other Matter or Thing
 5 ‘ which shall come to my Cognizance or Knowledge by virtue of
 ‘ the said Office, excepting in such Manner as a Court of competent
 ‘ Jurisdiction shall require, or the said Act authorizes or directs.

‘ So help me GOD.’

And every Clerk and other Person appointed as aforesaid (not being
 10 the Registrar General or an Assistant Registrar) shall make a
 Statutory Declaration to the same or the like Effect before One of
 Her Majesty’s Justices of the Peace (any One of whom is hereby
 empowered to take such Declaration): Provided always, that with
 respect to the Registrar General and each Assistant Registrar a
 15 Declaration shall not be substituted for an Oath.

XI. And be it enacted, That if any Registrar General, Assistant Registrar, Clerk, or other Officer or Person who shall have taken
 the said Oath or have made the said Declaration shall wilfully
 obstruct or delay the Execution of this Act, or shall negligently
 20 or wilfully misconduct himself in the Execution of this Act, or shall
 disclose any Matter or Thing, contrary to the Terms and Spirit
 of the said Oath or Declaration, he shall be deemed to be guilty
 of a Misdemeanor, and on Conviction thereof shall, in addition to the
 Sentence of the Court before whom he shall be tried, be dismissed
 25 from his Office under this Act, and be rendered incapable of again
 acting in any Office or Employment under this Act.

Penalty for
 Misconduct
 of Officers.

XII. And be it enacted, That in case the Commissioners of Her
 Majesty’s Treasury shall at any Time or from Time to Time deem
 it expedient that any Sum of Money, not being an annual Sum of
 30 Money coming under the Denomination of annual Expenses, shall be
 raised for the Purpose of purchasing, building, or fitting up or altering
 Offices for the Registry, or for other necessary Purposes connected
 with the Registry, it shall be lawful for them to advance the neces-
 sary Sum out of any public Money which may be granted by Par-
 35 liament for that Purpose, but the Money so advanced shall be a
 Charge upon the Income to be derived from Fees as after mentioned,
 and be repaid by such Instalments, in such Manner, and either with
 or without such Interest, out of the Money which shall be derived
 from such Fees as aforesaid, as the said Commissioners shall from
 40 Time to Time direct.

Power for
 Treasury
 to advance
 Money.

XIII. And be it enacted, That the Registrar General shall receive
 all Documents hereby authorized to be registered, and shall register
 17.

Delivery of
 Documents
 to Registrar.

the same according to the Provisions of this Act, and shall cause a fair Copy of the same to be made, and shall re-deliver the Documents when registered to such Party or his Agent; and the Registrar shall enter upon the Registry all Acts and Transactions which under the Provisions of this Act shall be done or transacted by means of the 5 Registry; and when any Party who shall have delivered Documents to the Registrar for Registration, shall, by himself or his Agent, require a Copy of the Registry relating to such Documents or such Matter or Transaction, or of a Part thereof respectively, the said Registrar shall deliver to such Party or his Agent the Copy so re- 10 quired; and all Entries on the Registry, and all Acts done with respect thereto, and all Copies which shall be given out, shall be made, done, and given according to the Form and authenticated in manner and at or within the Time prescribed by the Rules of the Registry for the Time being; and the respective Matters of Business 15 aforesaid shall be done or transacted in the Manner and at or within the Time prescribed by the Rules of the Registry for the Time being: Provided always, that the Registrar shall not be responsible for any Loss or Damage which shall happen to Documents, provided they shall have been received in such Manner and at such Time, 20 and placed when received in such Custody, as the said Rules for the Time being shall prescribe.

Authenti-
cated Copies
to be re-
ceived as
Evidence.

XIV. And be it enacted, That a Copy or Extract, authenticated according to the Rules of the Registry, of any registered Document or Transaction, may be offered and shall be received as Evidence of 25 the due Registration of the same Document or Transaction, or so much thereof as shall be copied or extracted, without Production of the original Entry on the Registry of such Document or Transaction.

Maps.

XV. And be it enacted, That every Person who shall propose to register any Land shall, on depositing the Documents relating thereto 30 which he shall propose to register, deposit therewith One or more than One Map, as Circumstances may require, of such Lands, with such Schedule and Book of Reference thereto as shall be necessary, in order to specify such Lands and the Divisions thereof, if any, and the Acreage thereof, and such Schedule and Book of Reference may 35 also contain a Statement or Description of Mines, Commons, Rights of Way, Rights of Water, Rights of Light, and other Easements, Privileges, and Appurtenances belonging to or enjoyed by the Owner of such Land in respect thereof, and shall contain a Statement or Description, so far as the Party can make the same, of Mines, Com- 40 mons, Rights of Way, Rights of Water, Rights of Light, and other Easements, Privileges, and Appurtenances belonging to or enjoyed by any other Person in, over, upon, or out of such Land; and every such Map

Map as aforesaid shall be upon the Scale of *Twelve* Inches to a Square Mile for all Country Places, and of *Sixty* Inches to a Square Mile for all Towns ; and every such Schedule and Book of Reference shall be made conformably to the Rules of the Registry ; and the
 5 Registrar shall have Power to require Alterations or Additions to be made therein, or altogether to require the same to be made anew, when and in case he shall consider it necessary so to do, regard being had to the Provisions of this Act and the Rules of the Registry ; and the Registrar shall cause all Maps, Schedules, and Books of
 10 Reference deposited as aforesaid to be labelled, indexed, put away, and kept, and from Time to Time produced in such Manner as the Objects of this Act and the Rules of the Registry shall require or direct.

XVI. And be it enacted, That accidental or clerical Errors in any
 15 such Map, Schedule, and Book of Reference as aforesaid shall not invalidate the Register thereof ; and upon any Error being represented, with the Consent of the Parties to which such Map, Schedule, or Book of Reference relates, and proved to the Satisfaction of the Registrar, he shall make such Alterations, Additions, or Omissions
 20 as shall be proper for correcting the Error, and shall also have Power, if necessary, to substitute a new Map, Schedule, or Book of Reference instead of the erroneous one, and to deliver the erroneous one to the Party who shall have deposited it, or his Representative, or to cancel, mark, or otherwise to deal with the same as such Registrar
 25 shall deem expedient.

XVII. And be it enacted, That in case the Registrar, Assistant Registrar, or any Clerk, Servant, or Officer, or any other Person, shall remove any such Documents or Books as aforesaid, or deliver out any Document, Will, or Codicil, contrary to the Provisions of this
 30 Act, he shall be guilty of a Misdemeanor ; and if any such Person as aforesaid shall wilfully or maliciously destroy or damage any such Document or Book as aforesaid, or make a false Entry knowing the same to be false, or give a false Copy or Certificate knowing the same to be false, he shall be guilty of Felony.

XVIII. And be it enacted, That it shall be lawful for the Registrar
 35 to demand and receive in respect of Business done or transacted at the Registry the following Fees ; (that is to say,)

For registering any Document, not being a Document or Transfer effected in the Books of the Registry, the Sum of
 40 For receiving any Map, and registering and depositing the same, the Sum of

17.

C

For

Errors may be corrected.

Removal of Documents, Misdemeanor ; wilful Destruction, Felony.

Fees :

- For registering the Transfer of any registered Lands or Houses the Site of which Lands or Houses shall not exceed One Acre, the Sum of
- For registering the Transfer of any registered Lands or Houses the Site of which Lands or Houses shall exceed One Acre, 5 the Sum of per Acre, and fractional Parts of an Acre shall be deemed an Acre :
- For making in the Books of the Registry any Transfer of Land, the Sum of
- For making in the Books of the Registry any Entry which shall 10 operate as a Security for Money and Charge on registered Lands, the Sum of
- For registering any Incumbrance, whether made previous to or after the Registry of the Lands affected thereby, the Sum of
- For registering the Transfer of any registered Incumbrance, the 15 Sum of
- For registering any Document which shall not come under any of the above Denominations, and any Will or Testamentary Instrument, the Sum of
- In case the Entry on the Registry of any single Document, or of 20 any Number of Documents relating to the same Land and the same Transaction, or any Transfer made in the Books of the Registry, shall exceed Thirty Folios of Seventy-two Words each, the further Sum of *One Shilling* for every extra Folio exceeding the said Number of Thirty Folios, a fractional Part of a Folio 25 being deemed a Folio :
- For every Search made pursuant to this Act, the Sum of and in case the same shall occupy more than an Hour, the additional Sum of for every Quarter of an Hour after the first Hour : 30
- For every authenticated Copy or Extract of any Entry on the Registry or of any registered Document, the Sum of and in case the same shall exceed Folios of Seventy-two Words each, the further Sum of for every extra Folio exceeding the said Number of Folios, a fractional 35 Part of a Folio being deemed a Folio :
- On receiving any Requisition for a Search, any Sum being not less than and not more than which Sum shall be accounted for to the Party paying it on the Search being completed, and an authenticated Statement of the Result thereof 40 given to such Party, and the Balance, if any then due on account of the said Sum, shall be returned to such Party :
- For taking into the Custody of the Registrar any Document which the Party leaving the same shall not require to be redelivered to him,

5 And also such other Fees as shall be appointed to be paid in respect
of any other Services to be performed by the Registrar; and that
from Time to Time it shall be lawful for the Commissioners of Her
Majesty's Treasury to reduce all or any of the Fees for the Time
being payable, and also, in addition to the Fees herein-before required
10 to be paid, to fix such other Fees to be paid for the Services to be
performed by the said Registrar as they shall deem requisite to
defray both the Expenses of the said Office and the Salaries or other
Remuneration of the Registrar, and of any other Persons employed
under him under the Authority and in the Execution of this Act;
15 and that the Balance (if any) of all Money received on account of
Fees under this Act shall be carried to the Consolidated Fund of the
United Kingdom of Great Britain and Ireland, and be paid accord-
ingly into the Receipt of Her Majesty's Exchequer at Westminster;
and that it shall be lawful for the Commissioners of Her Majesty's
20 Treasury to regulate the Manner in which such Fees are to be
received, and in which Accounts thereof are to be kept, and in which
they are to be accounted for; and if either the Registrar or any
Person employed under him shall demand or receive any Gratuity or
Reward in respect of any Service performed by him, other than the
25 Fees hereby authorized, then for every such Offence every such
Registrar or Person shall be guilty of a Misdemeanor, and shall also
refund the Money so received as last aforesaid, which Money may be
recovered by the Party to whom the same shall be payable in the
same Manner as a Debt due to him may be recovered: Provided
30 always, that when a Document shall be registered in which the Con-
sideration shall not exceed _____, or the Value
of the Land to which it relates shall not exceed _____,
according to such Evidence of Value as shall satisfy the Registrar, it
shall be lawful for him to dispense, if he shall think fit, with the
35 Payment of all Fees for registering such Document.

XIX. And be it enacted, That it shall not be compulsory upon any Person to register any Document other than such as shall be executed after the Day appointed for this Act to come into operation, and as shall effect, or purport to effect, either absolutely and entirely, 40 or partially only, a Change of the Ownership of the Land to which such Document relates, or create a Charge, Incumbrance, Estate, or Interest on or in such Land which did not previously exist, or transfer a Charge, Incumbrance, Estate, or Interest which did previously exist; provided nevertheless, that every Owner of Lands, or of any 17. Charge,

Registry of Deeds executed prior to passing of Act not compulsory.

Charge, Incumbrance, Estate, or Interest upon or in Lands, shall be at liberty, subject to the Regulations of the Registry, to register Documents existing on the Day on which this Act shall come into operation as to those Lands.

Deeds which
create In-
cumbrances
to be regis-
tered.

XX. And be it enacted, That upon the Execution, passing, or 5
perfecting of any Document which shall be executed, made, or done
after the said Day, and shall effect or purport to effect a Change of
the legal Ownership of or Title to the Land to which such Docu-
ment relates, and also every Document so executed, made, or
done which shall not effect or purport to effect a Change of 10
legal Ownership of or Title to the Land mentioned in the same, but
shall create or purport to create a Charge or Incumbrance on, or
Limitation, Estate, or Interest in, such Land, which did not exist
previously, and every such Document which shall both effect or
purport to effect a Change in the legal Ownership of or Title to 15
the Land, and create or purport to create any Charge or Incumbrance
on, or Limitation, Estate, or Interest in, such Land, which did not
previously exist, and also every Transfer which shall be executed,
made, or done after the said Day of any Charge or Incumbrance,
whether previously existing or not, shall be registered. 20

Documents
not valid till
registered.

XXI. And be it enacted, That every Document which ought to
be registered pursuant to this Act shall be registered in the Registry
within the District of which the Land affected by the same shall be
situate, or, at the Option of the Party registering the same, in the
General Registry, and shall not come into operation until registered, 25
except only that on being registered it shall be deemed to have come
into operation on the Day of the Date thereof, or, in the Absence of
a Date, on the Day on which it was executed ; and such Document may,
subject to the Rules of the Registry, and the Regulations for the Time
being in force respecting Evidence, be made upon the Requisition 30
of the Transferor or Transferee separately, or either of them, or of the
Transferor and Transferee jointly, or of his or their respective Agents :
Provided always, that with respect to Documents registered in Dis-
trict Registries the Registrar General shall cause Provision to be
made for such Notice thereof being registered in the General Registry 35
as shall prevent the Necessity of Searches being made respecting such
Documents or the Land affected thereby, both in the Registry of
the District in which such Land is situated and also in the General
Registry.

Equities to
be registered
separately.

XXII. And be it enacted, That Provision shall be made, by 40
Regulations of the Registrar General to be observed in each Registry,
for the Purpose of distinguishing Documents affecting or creating
legal

legal Estates in and Titles to Land from Documents affecting or creating only equitable Estates in and Titles to Land: Provided always, that any Document which affects or creates not only a legal Estate in or Title to Land, but also an equitable Estate in or Title to such Land, shall be registered as a Document relating to or creating a legal Estate or Title; provided also, that when a Document shall be or have been registered relating to or creating an equitable Estate or Title only, and a Document relating to or creating a legal Estate in or Title to the same Land shall be or have been registered, Notice of the Document relating to or creating the equitable Estate or Title shall be entered upon the Registry of the last or only Document registered which relates to or creates the legal Estate in or Title to such Land, and the Mode of giving such Notice shall be regulated by the Registrar General.

15 XXIII. And be it enacted, That it shall be lawful for every Person, Owners of Land may register.
being an Owner of Land, to register Documents relating to or affecting the same Land which shall be in the Possession or Power of such Owner: Provided always, that when and in case the Assignee of any bankrupt or insolvent Person shall register any
20 Transaction under this Act, he shall register such Appointments and other Documents as shall under the Laws for the Time being in force with respect to Bankrupts and Insolvents prove the Appointment of such Assignee, and his Rights to and Powers over the Estate of such Bankrupt or Insolvent.

25 XXIV. And be it enacted, That when any Owner of Land shall register any Documents relating to such Land he shall also register the Incumbrances and all other Estates and Interests which shall at the Time of such Registry affect the same; and in default of his so doing his Registry shall, so far as regards all such unregistered Incumbrances, Estates, or Interests, be inoperative, until perfected either by
30 himself or by or on behalf of the Incumbrancer or other Person whose Incumbrance, Estate, or Interest shall have been omitted.

XXV. And be it enacted, That in case any Owner of Land shall not be in possession of the Title Deeds relating to such Land, by
35 reason of their being in the Hands of Trustees or Incumbrancers or other Parties, he shall be at liberty to register the Land, and the Names of the Trustees or Incumbrancers or other Parties having any Estate or Interest in such Land, and the Nature, so far as Circumstances will admit, of the Trusts and Incumbrances, Estates
40 and Interests, affecting such Land; and in other Cases in which by reason of the Loss or Nonexistence of Deeds, or from other Cause, the Owner of Land shall be unable to register Documents, he shall

shall be at liberty to register the Land, with such explanatory Statements as he shall deem necessary and the Registrar shall approve of: Provided always, that Registration shall not prejudice any Person rightfully claiming any Estate, Interest, or Incumbrance in or upon the Land registered by virtue of it, nor prejudice or prevent the Operation of the Title Deeds and Documents relating to such Land, and shall not, if erroneous, but made bonâ fide, subject the Person making such Registration to any Penalty or Action for Damages. 5

Incumbrances may be registered by Incumbrancer.

XXVI. And be it enacted, That it shall be lawful for every Person, being, on the Day appointed for this Act to come into operation, an Incumbrancer on any Land, or having or claiming any Estate or Interest in any Land, or having or claiming any Estate or Interest, not being an Estate in possession, in any Land, to register the Incumbrance, Estate, or Interest to the Benefit of which he is or claims to be entitled. 10 15

Land or Incumbrance not to be registered pending a Suit.

XXVII. And be it enacted, That if, at the Time when any Owner or Incumbrancer shall propose to register any Document or Incumbrance, or any Land, or any Estate or Interest therein, the Document, Incumbrance, Land, Estate, or Interest which shall be proposed to be registered shall be the Subject of any Action, Suit, or other Proceedings at Law or in Equity, registered as a *Lis pendens* before this Act shall have come into operation, or which shall have been registered under this Act, then the Registration under this Act shall not come into full Operation, so far as respects such Document, Incumbrance, Land, Estate, or Interest, until the Action, Suit, or Proceedings respecting the same shall have been finally decided, dismissed, withdrawn, or settled, or otherwise dealt with in such Manner as that the Claim in question which shall have been the Subject of such Action, Suit, or Proceedings cannot be prosecuted. 20 25 30

Wilfully procuring a false Title, Felony.

XXVIII. And be it enacted, That if any Person shall wilfully misrepresent the Nature of his Estate in the Land proposed to be registered, or his Title thereto, or shall tender any forged or fictitious Document for Registry, and if by the Means aforesaid or any of them any Person shall cause or procure a false or fictitious Title to Land to be registered under this Act, then and in each and every such Case as aforesaid the Person so wilfully offending shall be deemed guilty of Felony, and shall be punishable accordingly. 35

Transfers how to be made.

XXIX. And be it enacted, That from and after the Day appointed for this Act to come into operation all Transfers of Land registered under the Provisions of this Act shall be made either by a Document which 40

which shall be registered, or by the Transferor signing in the Books of the Registry an Acknowledgment of the Transfer, and the Consideration (if any) on which such Transfer is founded, and a Receipt for the Money (if any) paid as the Consideration for such Transfer; 5 and such Transfer or Signature as aforesaid, with such Receipt as aforesaid, if necessary, shall be effectual to pass to the Transferee the whole Estate and Interest of the Transferor as appearing on the Registry in the Land transferred.

XXX. And be it enacted, That all Transfers and Discharges of Transfers and Dis-charge of In-cumbrances.
10 Incumbrances may be made either by a registered Document, or by the Party making such Transfer or giving such Discharge signing in the Books of the Registry a Transfer or Discharge, or an Acknowledgment of a Transfer or Discharge, and a Receipt for Principal Money and Interest due to the Party making such Transfer or giving
15 such Discharge; and such Transfer, Discharge, or Signature shall be effectual to pass to the Transferee, in the Case of transferred Incumbrances, the whole Estate and Interest of the Transferor in the Incumbrance transferred, and the Land affected thereby, or so much thereof as shall not be excepted, and all other Securities
20 for the same Incumbrance, or so much thereof as shall not be excepted, and in the Case of discharged Incumbrances to exonerate the registered Land which shall be affected thereby from the same, or from so much thereof as shall not be excepted; and all Powers by this Act given to an Incumbrancer may be legally and effectually
25 exercised by the Executors, Administrators, or Assigns of such Incumbrancer, and in Cases of Incumbrances appearing in the Registry to belong to more Person than One on a joint Account, by the Survivors or Survivor of them, or their or his Assigns, or by the Executors or Administrators of the last Survivor, or their Assigns.

30 XXXI. And be it enacted, That from and after the Day on which the Documents relating to or affecting any Land or any Lands shall be registered every Estate or Incumbrance which shall thence-
forth be created in or on such Land or transferred shall be created or transferred only by a registered Document, or by a registered Ac-
35 knowledgment under the Hand of the Owner of such Land, and shall, as regards subsequent Purchasers or Transferees for Money or other valuable Consideration, and Incumbrancers, affect only the specific Land mentioned in such Document or Acknowledgment, and no other; and no such Purchaser, Transferee, or Incumbrancer shall
40 be affected by Notice, otherwise than Notice on the Registry of any prior Estate, Charge, or Incumbrance, but in this respect the Practice and Rules of Courts of Equity with respect to Notices and all other Doctrines of Notice shall have no Operation, and shall be
17, altogether

Future In-cumbrances how to be created.

altogether disregarded ; and all unregistered Transfers, Charges, and Incumbrances shall be deemed fraudulent and void as against such Purchasers for Money or other valuable Consideration, and as against such subsequent Incumbrancers : Provided always, that nothing herein contained shall prejudice the Rights or Claims, as against the 5 Owner or Transferor of any Land or Incumbrance, of any Party who has or shall have any Right to or Claim upon any such Land or Incumbrance, but shall only prejudice such Rights or Claims as aforesaid as upon or against the Land or Incumbrance so transferred ; provided also, that Entry on the Registry shall be full Notice to all 10 Persons of all Transactions registered from the Date of the Entry thereof respectively.

Transfer thereof.

XXXII. And be it enacted, That upon the Transfer of any such Incumbrance, Estate, or Interest as aforesaid such Transfer shall be registered by the Transferor, or in default thereof may be registered 15 by the Transferee ; and upon any such Incumbrance, Estate, or Interest being discharged, or ceasing to be a Charge upon such Land, the Discharge or Cesser thereof shall be registered by the Party entitled to such Incumbrance, Estate, or Interest ; but in default of his so doing other Evidence shall be admissible to prove the Dis- 20 charge or Cesser of such Incumbrance, Estate, or Interest.

Discharge.

When existing Incumbrances are discharged Land to be vested in Owner.

XXXIII. And be it enacted, That, subject to the Provisions of this Act, when it shall appear by the Registry that all registered Incumbrances which on the Day appointed for this Act to come into operation affected such Land have been discharged, or have ceased to 25 affect the same, and that all other registered Estates and Interests in or which affected such Land or the Owner thereof on the Day aforesaid, and were vested in any Person (other than such Owner), have ceased, or have been got in, discharged, barred, destroyed, or surrendered or extinguished, by Act of the Party or by Operation of 30 Law, such Lands shall be deemed to be and are hereby declared to be for the Purposes of this Act vested in such Owner absolutely as to Freehold Land in Fee Simple, and as to Leasehold Land for the Remainder of the Term, Estate, or Interest created by or subsisting under the Lease or Grant thereof, and as to all such Lands 35 as aforesaid free from Incumbrances, except Rents, Quit Rents, Tithes, perpetual Rent-charges, Land Tax, and similar Payments, and Outgoings, (if any,) and any Covenants, Rights of Way, and other Easements to the Benefit of which any other Person may be entitled in respect of such Land. 40

Incumbrances ceasing by

XXXIV. And be it enacted, That in case any Incumbrance, Estate, or Interest affecting any Land on the Day appointed for this

this Act to come into operation, or which thereafter shall affect the same Land, shall not cease by virtue of the Document creating the same, or be got in, discharged, destroyed, or surrendered by Act of the Party entitled to the Benefit thereof, but such Incum-
 5 brance would, in case this Act had not been passed, have been extin-
 guished by Operation of Law, the Owner of the Land affected thereby shall be at liberty to register a Statement under his Hand of the Extinguishment thereof, and the same shall thenceforth, subject to the Provisions of this Act, be deemed to be extinguished.

Operation of Law to be extinguished on Registry by Owner.

10 XXXV. And be it enacted, That every Incumbrance which shall be created after the Registration of any Land so as to affect such Land shall, if the same be a Charge of Principal Money, unless the contrary shall be declared on the Registry of such Incumbrance, or unless
 15 different Arrangements shall be made between the Parties and declared on such Registry, imply and be construed at Law and in Equity as containing a Covenant with the Incumbrancer, and his Executors, Administrators, and Assigns, binding the Owner of the Land, and his Real and Personal Representatives, to pay the Money secured by such Incumbrance on the Day named, with legal Interest, or such Interest
 20 less than legal Interest as shall be specified, payable by half-yearly Portions, and shall also, unless the contrary be declared as aforesaid, or different Arrangements shall be made as aforesaid, imply and give to the Incumbrancer, and his Executors, Administrators, and Assigns, the following Powers and be deemed to contain the following Provi-
 25 sions ; namely, a Power for the Incumbrancer, in default of Payment of Interest for *Thirty* Days after it shall be due, to enter into possession, and receive and recover, by Distress or other lawful Means, the Rents and Profits of the Land, and apply the same in discharge of his and their Costs and Interest, and, at his or their Discretion, either to
 30 pay the Surplus to the Owner of the Land, or retain the same in reduction of the Incumbrance ; and Powers, at the like Discretion, to compound with Tenants, let the Land on Lease or otherwise, insure Buildings against Loss or Damage by Fire, pay all ordinary Outgoings, make necessary Repairs, appoint a Receiver of Rents
 35 and Profits, allow him a reasonable Compensation for his Trouble, and depute to him all Powers which the Incumbrancer himself might exercise ; and a Power, either after or before entering into possession or receipt of Rents and Profits, in case of Default being made in Pay-
 40 ment of any Interest due on such Incumbrance for *Forty* Days after it shall be due, being demanded, but without further Notice, or in case of Default being made in Payment of any Principal Money due on such Incumbrance for *Sixty* Days after Notice to the Owner of the Land, his Heirs, Executors, or Administrators, or any or either of them, to pay the Incumbrance, shall be given to or left for him, them,

Powers implied in Incumbrances created after the passing of this Act.

any, or either of them, at his, their, any, or either of their usual or last known Residence in the United Kingdom, Power, without any further Authority or Consent, to sell the Land or any Part of the Land which shall be subject to such Incumbrance, to any Person who shall be willing to become the Purchaser thereof, and for such Sum or 5 Sums of Money, and under and subject to such special and other Conditions and Restrictions as to Title or otherwise, as the Person making such Sale shall judge sufficient or think necessary and proper ; with Liberty to buy in any Land which may be offered for Sale at any Auction, or any Part of such Land, and to rescind any Contract 10 for the Sale of any Land sold, and to resell the same respectively, either immediately or at any future Time, either by Auction or by private Contract ; and Power to consent to the Variation of the Terms of any Contract, without being answerable for any Loss which may be occasioned by the Exercise of any of such Powers respectively, and 15 to do all such Acts as may be requisite or proper for the Purpose of effectuating such Sale, and to receive the Money to arise from the Sale, and out of the same Money, together with any Rents and Profits which may be received by the Person making the Sale, to pay or retain all Costs and Expenses occasioned by the Nonpayment of the Money 20 due on the Incumbrance, and the Money due on the Incumbrance, whether for Principal, Interest, or Costs, and the Costs and Expenses preparatory and incidental to the Execution of the said Powers ; and a Direction that the Surplus (if any) of the Money so to arise as aforesaid shall represent the Equity of Redemp- 25 tion of the Land so sold, and be payable accordingly ; and a Provision that every Receipt which shall be given by the Person making such Sale as aforesaid, or his Agent, for the Rents, Profits, Purchase or other Money to arise as aforesaid, shall exonerate the Person or Persons paying the same from all Liability in respect of the Applica- 30 tion thereof, and from being bound to inquire whether any Money is or is not due on the Incumbrance, or whether any Demand of or Notice as aforesaid has or has not been given, and from being affected by or bound to regard any Notice to the contrary ; and every such Incumbrance as aforesaid shall, if the same be a Charge by way of 35 Annuity or Rent charge, imply and give to the Incumbrancer such and the same Powers for recovering the same when in arrear as Landlords have by Law for recovering Rent reserved by common Demises when in arrear.

Disentailing
Deeds may
be registered.

XXXVI. And be it enacted, That Transfers of Land which, ac- 40 cording to the Provisions of the Act for the Abolition of Fines and Recoveries, and the Substitution of more simple Modes of Assurance, ought to be enrolled in manner and within the Time therein specified, in order that they may take effect as disentailing Assurances, shall if registered

registered under the Provisions of this Act within the Time appointed for Enrolment by the recited Act, and if conformable, except so far as respects Enrolment, to the Provisions of the recited Act, have the same Effect as they would have had if enrolled according to such Act.

XXXVII. And be it enacted, with respect to any Land or Incumbrance which a married Woman cannot transfer, release, or deal with by Law, otherwise than by Deed acknowledged in manner directed by the last-recited Act, That no Transfer or Release of such Land or Incumbrance, or Dealing therewith, by her, shall be effectual under this Act, unless the same be evidenced by Deed executed and acknowledged in manner prescribed by the recited Act, and any Deed so executed and acknowledged relating to any registered Land or Incumbrance shall also be registered under this Act.

Transfers by married Women.

XXXVIII. And be it enacted, That Documents and Incumbrances and Land registered under the Provisions of this Act, shall be and are hereby declared to be thenceforth exempt for the future from the Provisions of the several Acts relating to and establishing Registries of Deeds and Wills in the County of Middlesex and in the respective Ridings of the County of York, and from the Provisions of the Act for establishing the Registry of Land within the Jurisdiction of the Bedford Level, and all other Local Acts (if any) by which Registries of Deeds and Wills are established or required, and from the Provisions of all Acts by which Registries of Incumbrances, and Enrolments of Deeds, Annuities, and other Charges, are established or required; and such Lands and Incumbrances respectively shall take effect in all Cases in the same Manner as they would have done by virtue of this Act, or by Law, in case the said several Acts relating to Registries and Enrolments of Deeds, Wills, Incumbrances, Annuities, and other Charges had not been passed.

Registered Lands under this Act need not be registered under other Acts.

XXXIX. And be it enacted, That this Act shall not extend to Ireland or Scotland, or to any British Possessions not being Part of the United Kingdom.

Limit of Act.

XL. And be it enacted, That this Act shall come into operation on the or on such other Day as Her Majesty by an Order in Council shall direct.

When Act shall come into Operation.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended.

A

BILL

To facilitate the Transfer of Real
Property.

*(Prepared and brought in by
Mr. Drummond and Mr. Wood.)*

*Ordered, by The House of Commons, to be Printed,
5 February 1850.*

17.

Under 3 oz.

Registrar of Judgments Office (Ireland).

ARRANGEMENT OF CLAUSES.

Preamble recites 7 & 8 Vict. c. 90.

Registrar of Judgments to employ a sufficient Number of Clerks for searching and writing, who shall be paid according to the Quantity of their Work at the Rates herein specified ; Sect. 1.

Commissioners of Treasury to authorize Salaries in addition to rateable Payments to Searching Clerks ; 2.

Fees in Office of Registrar of Judgments payable under 11 & 12 Vict. c. 120. to cease, and Stamp Duties to be substituted ; 3-6.

Provisions of Acts requiring Registrar to apply Fees in Payment of Salaries and Compensations repealed ; 7.

Compensations heretofore charged on Fees to be charged on Consolidated Fund ; 8.

Salaries of Registrar of Judgments, and his Clerks, to be paid out of Consolidated Fund ; Provision for Incidental Expenses ; 9.

Registrar of Judgments to be an Officer of each Court in respect to the Business thereof ; 10.

During temporary Absence of Registrar his principal Assistant may act ; 11.

Amendment, &c. of Act ; 12.

Schedule.

18 July 1850. 13 & 14 Vict.



(Ireland.)

A

B I L L

FOR

The better Regulation of the Office of Registrar of Judgments in Ireland.

[Note.—The Words and Clauses printed in *Italics* are proposed to
be inserted in the Committee.]

WHEREAS by an Act passed in the Seventh and Eighth Preamble.
Years of the Reign of Her present Majesty, intituled “ An 7 & 8 Vict.
“ Act for the Protection of Purchasers against Judgments, c. 90.
“ Crown Debts, Lis pendens, and Commissions of Bankruptcy, and
5 “ for providing One Office for the registering of all Judgments in
“ Ireland, and for amending the Laws in Ireland respecting Bank-
“ rupts and the Limitation of Actions,” certain Provisions were made
for the Regulation of the Office of the Registrar of Judgments thereby
established, and it is expedient to make further and other Provision
10 in that Behalf: Be it therefore enacted by the Queen’s most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That from and after the *passing of* Registrar of
this Act it shall and may be lawful for the Registrar of Judgments Judgments
15 appointed under or by virtue of the said Act, and he is hereby required, shall employ
from Time to Time and at all Times to employ a sufficient Number of a sufficient
competent Clerks to do the Business of searching and writing or en- Number of
grossing in his Office, who shall be paid, according to the Quantity of Clerks for
580. A their searching and writing,

who shall be paid according to the Quantity of their Work at the Rates herein specified.

Proviso as to Number of Clerks.

their Work, for searching at the Rate of *One Shilling* for every Period of Twenty Years or fractional Portion thereof over which each Search against any One Person shall extend, and for writing at the Rate of *Three Halfpence* for every Seventy-two Words, each Figure in any Entry or Copy being counted as a Word; provided always, that no more than One Clerk shall be so paid in respect of each Common Search, and no more than Two in respect of each Negative Search; such Payments to be charged in the incidental Expenses of the said Office in the Manner herein-after provided.

Power to Commissioners of Treasury to authorize Salaries in addition to rateable Payments to Searching Clerks.

II. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury for the Time being to authorize the Payment of Salaries, in addition to the Payment hereinbefore directed, to as many of the Clerks employed in searching as they shall think proper and reasonable, with a view to ensure the Services of competent Persons, such Salaries not to exceed in any Instance the Sum of *Fifty Pounds* yearly, and to be payable for and during the Time such Clerk shall be so employed, and not longer or otherwise, and to be charged in the Incidental Expenses of the Office, in the Manner herein-after directed: Provided always, that nothing herein contained shall affect or invalidate any Appointments or Salaries made or granted before the passing of this Act, under or by virtue of the said recited Act.

11 & 12 Vict. c. 120.

Fees in Office of Registrar of Judgments to cease, and Stamp Duties to be substituted.

III. And whereas by the said recited Act, and by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "*An Act to facilitate the Transfer of Landed Property in Ireland,*" certain Fees are made payable in the said Office of Registrar of Judgments, and it is expedient that the said Fees should be converted into Stamp Duties: Be it therefore enacted, That from and after the Tenth Day of October One thousand eight hundred and fifty all and every the Fees authorized and made payable under and by virtue of the said recited Acts in the said Office of Registrar of Judgments shall cease and determine and be no longer payable in the said Office, and that in lieu thereof the several Documents and Memorandums left for Registry in the said Office, and other Proceedings therein, shall be liable to and impressed with the Stamp Duties in each Behalf respectively set forth in the Schedule hereunto annexed.

Duties of Stamps as in Schedule granted.

IV. And be it enacted, That there shall be granted, raised, levied, collected, and paid in Ireland unto Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Articles, Matters, and Things mentioned, enumerated, and described in the Schedule to this Act annexed, the several Sums of Money and Duties as they are respectively set forth, inserted, and described in Words and

and Figures in the said Schedule and in every Part thereof, over and above and in addition to any Stamp Duties or other Duties payable or to be payable by Law for or in respect of the said several Matters and Things or any of them, and that the said Schedule, and every
 5 Clause, Matter, and Thing therein contained, shall be and be deemed, taken, and considered Part of this Act.

V. And whereas by the said first-recited Act it is provided, that every Docket or Requisition for a Negative or Common Search in the said Office shall be liable to a Stamp Duty of One Pound on every
 10 Docket or Requisition for a Negative Search, and a Stamp Duty of Seven Shillings on every Docket or Requisition for a Common Search, against each Person, which said Duties are impressed, denoted, and collected as Law Fund Duties, and it is expedient to make other Provision in that Behalf, in order that a distinct Account may be
 15 kept of the Produce of the said Office: Be it therefore enacted, That the said Duties shall cease to be impressed, denoted, and collected as Law Fund Duties, and shall be impressed, denoted, and collected as Judgments Registry Duties, in like Manner with the Duties mentioned in the Schedule to this Act annexed.

VI. And be it enacted, That the said Duties and the Duties hereby granted shall be under the Care and Management of the Commissioners of Inland Revenue, who shall keep a distinct Account thereof, and shall be denoted and distinguished by the Words "Judgments Registry," and shall be deemed and construed to be Stamp
 20 Duties, and that the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto.

VII. And be it enacted, That the Provisions in the said hereinbefore recited Acts contained requiring the said Registrar to make
 30 Application of the Fees of his Office by Payment of Salaries and Compensations and otherwise, and to account for and lodge Balances as therein directed, shall be and they are hereby repealed and annulled.

VIII. And whereas by the said recited Act of the Seventh and Eighth Years of the present Reign it is provided, that certain Com-
 35 pensations therein mentioned shall be paid by the said Registrar of Judgments out of the Produce of the Fees of his Office, and that if the said Fees shall be insufficient the Commissioners of the Treasury shall be at liberty to direct that any Deficiency shall be paid out of the Consolidated Fund; and inasmuch as the said Fees are hereby
 40 converted into Stamp Duties, it is necessary that such Compensations should be charged directly on the Consolidated Fund: Be it therefore
 580. A 2 enacted,

enacted, That the several Compensations in and by the said Act directed shall be charged and chargeable and paid and payable out of the Consolidated Fund of the United Kingdom, on the Days and at the Periods appointed for the Payment of Salaries and Allowances chargeable thereupon.

5

Salaries to be paid out of Consolidated Fund.

Incidental Expenses.

IX. And be it enacted, That the Salaries by the said Act appointed to be paid to the said Registrar of Judgments and to his Clerks, and any Salaries to be hereafter legally appointed to be paid to such Registrar or any Clerks to be employed in his Office, shall be charged and chargeable and paid and payable out of the Consolidated Fund of the United Kingdom, on the Days and at the usual Periods appointed for the Payment of Salaries chargeable thereupon ; and for Provision for the necessary Incidental Expenses of the said Office the said Commissioners of the Treasury shall pay or cause to be paid, at such Time or Times and in such Manner as they shall think proper, to the said Registrar of Judgments, such Sum or Sums as they shall ascertain to have been necessarily incurred in each and every Quarter, as and for the Payments to Clerks for searching and writing in the said Office, and as and for Books, Stationery, Coals, Candles, Servants, and other Incidental Expenses ; and for the Ascertainment of the said Expenses the said Registrar shall quarterly, at such Periods as shall be directed by the Commissioners of the Treasury, furnish to them an Account thereof, vouched in such Manner as the said Commissioners may from Time to Time or at any Time require and direct.

Registrar of Judgments shall be an Officer of each Court in respect to the Business thereof.

X. And be it enacted, That the said Registrar of Judgments shall be and be deemed to be an Officer of the Court of Chancery and of each of the Superior Courts of Common Law, and subject to the Orders of the said Courts respectively in all Matters transacted in his Office, and all Entries made or to be made in the Books thereof exclusively relating to or connected with the Business or Records of such Courts respectively, or of the Offices thereof respectively.

Provision in case of temporary Absence of Registrar.

XI. And whereas Inconvenience may arise from the temporary Absence of the said Registrar, when his Signature may be necessary to any Document requiring the same in pursuance of this or any of the herein-before recited Acts, unless Provision be made for such Contingency : Be it therefore enacted, That in the temporary Absence of the said Registrar the Acts and Signature of his principal Assistant shall be good and valid to any Certificate, Entry, or Document requiring the Signature or Presence of the said Registrar.

Act may be amended or repealed.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

Duties of Stamps which are to be paid and payable in Ireland for and in respect of several Instruments, ~~Matters, and Things~~ herein mentioned, used, filed, registered, ~~recorded~~, or issued in the Office of Registrar of Judgments.

	s.	d.
<i>On every Memorandum for the Registration of any Judgment or Rule for Judgment, or for the Registration of any Decree, Order, or Rule, according the Directions of the Act 7 & 8 Vict. c. 90.</i>	5	0
<i>On every Memorandum for the Re-entry of any Judgment, Decree, Order, or Rule, according to the Provisions of the said Act</i>	1	0
<i>On every Memorandum for the Registration of any Lis pendens, according to the Provisions of the said Act</i>	2	6
<i>On every Memorandum for the Re-entry of any Lis pendens, according to the Provisions of the said Act</i>	1	0
<i>On every Memorandum for the Registration of any Recognizance, Bond, Judgment, or other Obligation to the Crown, or of any Quietus thereof, according to the Provisions of the said Act</i>	2	6
<i>On every Requisition for Liberty to search in the Books of the said Office, according to the Provisions of the said Act, and without which Requisition no such Search is to be permitted ; for each Person searched against</i>	1	0
<i>On every Memorandum for the Registration of the Satisfaction or Vacate of any Judgment, Crown Bond, or Recognizance, Decree, Rule, or Order, according to the Provisions of the Act 11 & 12 Vict. c. 120.</i>	2	6
<i>On every Requisition for Liberty to search the Books containing recorded Copies of the Negative Searches in the said Office, according to the Provisions of the said Act, and without which Requisition no such Search is to be permitted ; for each Person searched against</i>	1	0
<i>On every Attested Copy of a Search recorded pursuant to the said Act, when such Copy shall not exceed Three Folios of Seventy-two Words</i>	1	0
<i>When such Copy shall exceed Three Folios, for every Folio</i>	0	4

Registrar of Judgments Office.

(Ireland.)

A

B I L L

For the better Regulation of the Office
of Registrar of Judgments in Ireland.

*(Prepared and brought in by
Mr. Solicitor General for Ireland and Sir William
Somerville.)*

*Ordered, by The House of Commons, to be Printed,
18 July 1850.*

580.

Under 1 oz.

Registrar of Metropolitan Public Carriages Bill.

ARRANGEMENT OF CLAUSES.

Abolition of the Office of Registrar of Metropolitan Public Carriages ; Sect. 1.

Transfer of Duties of abolished Office to Commissioners of Police ; 2.

Retiring Allowances to Officers deprived of Office by this Act ; 3.

Commissioners of Police to appoint Standings for Hackney Carriages ; 4.

Repeal of so much of certain local Acts as relates to regulating the Standings for Hackney Carriages ; 5.

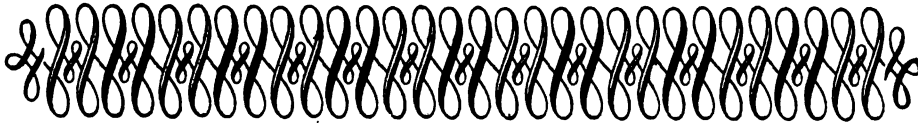
One of the Commissioners of Police may act in Matters hereby authorized ; 6.

Act to be construed with 6 & 7 Vict. c. 86., for regulating Hackney and Stage Carriages in and near London ; 7.

Commencement of Act ; 8.

Alteration of Act ; 9.

25 February 1850. 13 VICT.



A

B I L L

FOR

Consolidating the Office of the Registrar of Metropolitan Public Carriages with the Office of Commissioners of Police of the Metropolis, and making other Provisions in regard to the consolidated Offices.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient to abolish the Office of the Registrar of Metropolitan Public Carriages, and to provide for the Execution of the Duties of the Office of the Registrar of Metropolitan Public Carriages by the Office of the Commissioners of Police of the Metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Office of Registrar of Metropolitan Public Carriages be hereby abolished.

Preamble.

Office of Registrar of Metropolitan Public Carriages abolished.

II. And be it enacted, That all the Jurisdiction, Powers, Authorities, Privileges, Interests, and Duties now vested in or exercised by the Office of Registrar of Metropolitan Public Carriages hereby abolished shall be transferred to and vested in and shall hereafter be exercised

Duties of abolished Office transferred to Commissioners of Police.

exercised by the Commissioners of Police of the Metropolis, in as full and ample a Manner to all Intents and Purposes as they were vested in and might have been exercised by the said Registrar of Metropolitan Public Carriages.

Retiring
Allowances
may be
granted to
Officers
whose Office
abolished.

III. And be it enacted, That it shall be lawful for the Commis- 5
sioners of Her Majesty's Treasury, and they are hereby empowered,
to grant such retiring Allowances and Compensation as under the
Circumstances of the Case they may deem reasonable and proper to
any Officer or Person who may be deprived of his Office or Employ-
ment, or be superseded under the Provisions of this Act; and all 10
such retiring Allowances and Compensations shall be paid by the
Commissioners of Inland Revenue out of any Monies to arise from
any of the Duties under their Care and Management.

Standings
for Hackney
Carriages to
be appointed.

IV. And be it enacted, That it shall be lawful for the said Com-
missioners of Police from Time to Time to appoint Standings for 15
Hackney Carriages at such Places as they shall think convenient in
any Street, Thoroughfare, or Place of public Resort within the
Metropolitan Police District, any Law, Statute, or Custom to the
contrary thereof notwithstanding, and at their Discretion to alter
the same, and from Time to Time to make Regulations concerning 20
the Boundaries of the same, and the Number of Carriages to be
allowed at any such Standing, and the Times at and during which
they may stand and ply for Hire at any such Standing, and also from
Time to Time to make such Regulations as the said Commissioners
shall deem proper for enforcing Order at every such Standing, and 25
for removing any Person who shall unnecessarily loiter or remain at
or about any such Standing; and the said Commissioners shall cause
all the Orders and Regulations to be made by them as aforesaid, and
every Alteration, Amendment, or Repeal thereof respectively, to be
advertised in the London Gazette, and in Two or more Newspapers 30
circulating in the Metropolitan Police District, and a Copy thereof
to be hung up for public Inspection in the Office of the Commis-
sioners of Police in the City of Westminster and at each of the Police
Courts.

Repeal of
Local Acts.

V. And whereas Doubts have arisen whether the Powers given to 35
the said Commissioners of Police by an Act passed in the Seventh
Year of the Reign of Her Majesty Queen Victoria, intituled "An
" Act for regulating Hackney and Stage Carriages in and near
" London," to appoint, alter, and regulate Standings for Hackney
Carriages supersede the Powers and Provisions relating to the same 40
Matters or Subject contained in local and other Acts applicable to
certain Parishes and Places within the Metropolitan Police District:

Be

Be it therefore enacted, That so much of the several Acts in force before the passing of the said Act of the Seventh Year of the Reign of Her Majesty as relates to the appointing, continuing, altering, directing, or regulating Standings for Hackney Carriages or Chairs within any
5 Part of the Metropolitan Police District shall be and the same is hereby repealed, save and except so far as the Provisions of the said Acts may repeal the whole or any Part of any other Acts in relation to the Matters aforesaid, and except as to Offences and other Matters committed or done before the Commencement of this Act, which shall
10 be dealt with and punished as if this Act had not been passed.

VI. And be it enacted, That all Things herein authorized to be done by the Commissioners of Police of the Metropolis shall be done by such One of the said Commissioners as One of Her Majesty's Principal Secretaries of State shall from Time to Time be pleased to
15 appoint. One Police Commissioner may act.

VII. And be it enacted, That this Act shall be construed as One Act with the said Act passed in the Seventh Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating
20 " Hackney and Stage Carriages in and near London," and that all the Provisions of the said Act, except so far as is herein otherwise provided, shall extend to this Act, and to all Things done in execution of this Act. This Act to be construed with 6 & 7 Vict. c. 86.

VIII. And be it enacted, That this Act shall commence and take Effect from the *Fifth Day of April One thousand eight hundred and*
25 *fifty.* Commencement of this Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be altered this Session.

A

B I L L

For consolidating the Office of the Registrar of Metropolitan Public Carriages with the Office of Commissioners of Police of the Metropolis, and making other Provisions in regard to the consolidated Offices.

*(Prepared and brought in by
Mr. Cornwall Lewis and Sir George Grey.)*

*Ordered, by The House of Commons to be Printed,
25 February 1850.*

83.

Under 1 oz.

8 February 1850. 13 VICT.



AN

A C T

TO

Unite the Office of Chief Registrar of the Court
of Bankruptcy with the Office of the Lord Chan-
cellor's Secretary of Bankrupts.

WHEREAS the Office of Chief Registrar of the Court of Bankruptcy lately became vacant by the Death of Edward Lawes, Sergeant-at-Law, the late Chief Registrar, and such Vacancy has not been filled up: And whereas it is expedient
5 that the Office of Chief Registrar of the Court of Bankruptcy should be united with the Office of the Lord Chancellor's Secretary of Bankrupts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
10 and by the Authority of the same, That from and after the passing of this Act the Lord Chancellor's Secretary of Bankrupts for the Time being shall by virtue of his Office be Chief Registrar of the Court of Bankruptcy, and that the Vacancy in the Office of such Chief Registrar shall not be otherwise filled up.

Preamble.

Lord Chan-
cellor's
Secretary
of Bankrupts
to be ex
officio Chief
Registrar of
the Court of
Bankruptcy.

15 II. And be it enacted, That the Salary attached to the Office of Chief Registrar of the Court of Bankruptcy shall be abolished.

Salary of
Chief Re-
gistrar
abolished.

32.

III. And

Lord Chancellor may appoint any Registrar to act as Secretary of Bankrupts and Chief Registrar during any Vacancy.

III. And be it enacted, That during any Vacancy in the Office of the Lord Chancellor's Secretary of Bankrupts and Chief Registrar of the Court of Bankruptcy, the Lord Chancellor may authorize and direct any Registrar of the Court of Bankruptcy to perform the Duties of such Office ; and any Registrar so authorized shall, during the Vacancy 5 of such Office, have all the Power, Jurisdiction, and Authority, and perform all the Duties of such Secretary of Bankrupts and Chief Registrar.

Acts, &c. in Registrar's Office since Death of late Chief Registrar confirmed.

IV. And be it enacted, That all Acts, Matters, and Things which since the Death of the late Chief Registrar have been done and 10 performed in the Office of the Chief Registrar of the Court of Bankruptcy, or which ought to have been done and performed by the Chief Registrar, shall be as valid and effectual as if there had been a Chief Registrar of the said Court, and as if such Matters and Things had been done and performed by him or under his Authority. 15

Act may be amended or repealed.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Registrar's Office, Bankruptcy.

AN

A C T

To unite the Office of Chief Registrar of the Court of Bankruptcy with the Office of the Lord Chancellor's Secretary of Bankrupts.

(*Brought from the Lords, 8 February 1850.*)

*Ordered, by The House of Commons, to be Printed,
8 February 1850.*

32.

Under 1 oz.

Registration of Deeds (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Ordnance Maps to be adapted and used for the Purposes of this Act; Sect. 1.

Land Indexes to be made, having References to the Maps; 2.

Commissioners of the Treasury to give Notice of Commencement of Registration under this Act; 3.

No Memorial of Assurances to be registered, but all such Assurances may be registered by depositing an Original, and making the proper Entries. The Documents deposited to be made up into Books or Parcels, and numbered; 4.

An Index, to be called "The Index of Titles," to be kept for all Ireland; and Assurances to be indexed in such Index, under Heads designated by Numbers,—

1. Where the Grantor does not derive Title under any registered Assurance, the Assurance is to be indexed under a new Head.

2. Where the Grantor does derive Title under a registered Assurance, the Assurance is to be indexed under the same Head as the Assurance under which Title is derived.

3. Power enabling an Assurance required by Regulation 2. to be indexed under an existing Head to be indexed under a new Head.

4. No Assurance to be indexed under more than One Head.

5. Particulars to be expressed on indexing an Assurance.

6. The Grantor of an Equity of Redemption is not to be considered as deriving his Title under the Mortgage Deed; 5.

Entries to be made in "Land Index" containing References to the Entries in the "Index of Titles;" 6.

Decrees in Equity creating, declaring, transferring, foreclosing, or determining Interests in Land, and also Decrees in Equity by which any such Decree shall be varied or reversed, and Orders of Exchange, Partition or Division, and Allotment made by Incumbered Estates Commissioners, are to be considered Assurances; 7.

Every Private Act of Parliament affecting Lands to be an Assurance; 8.

Where by a Public Act any Lands are vested upon the Payment of Money, &c., a Memorandum of the Payment or other Act may be registered. This Clause not to extend to the vesting of the Estate of a Bankrupt or Insolvent; 9.

Equitable Mortgage by Deposit of Deeds may be registered by depositing a Memorandum; 10.

Liens by reason of Nonpayment of Purchase Money may be registered by depositing a Memorandum ; 11.

The Assurance to be considered to have been made by the Person whose Right, &c. in the Lands shall be bound by the Decree, &c. ; 12.

Registration of Wills ; 13.

Letters of Administration or Affidavit of Intestacy may be registered ; 14.

An Index, to be called "The Index to Wills and Administrations," to be kept for Ireland, and where a Will, Letters of Administration, or Affidavit is registered, an Entry of the Testator's or Intestate's Name to be made in such Index, and also an Entry of the Will, Letters, or Affidavit ; 15.

Where the Original is lost, a Copy or Extract may be deposited. In case of an Extract, the Registration to be effectual only as far as the Extract agrees with the Original ; 16.

Where the Document directed by this Act to be deposited at the Register Office is required to be deposited at any other Office or Place, a Copy may be deposited at the Register Office ; 17.

Power to any Person claiming under an Assurance to compel the Registration thereof by Application to a Judge ; 18.

Power to Judge to make Order as to Costs, and to order an Office Copy to be furnished at the Expense of the Applicant ; 19.

Appointments of Assignees in Bankruptcy in England and Ireland, and Acts and Warrants of Confirmation in Scotland, may be registered by Deposit of Copy, and making proper Entry ; 20.

Any Order or Appointment, &c. of Assignees in Insolvency may be registered by Deposit of a Copy or Certificate, and making proper Entry ; 21.

An Index, to be called "The Index to Bankrupts and Insolvents," to be kept for Ireland ; 22.

Assurances authorized to be registered to be void as against Purchasers, unless registered ; 23.

Estate or Interest arising under Public Act upon Payment of Money, &c. Equitable Mortgage by Deposit of Deeds. Lien for Purchase Money to be void as against Purchasers, unless Memorandum registered ; 24.

Assurance duly entered as to Part only of the Lands to be deemed duly registered as to such Part ; 25.

Unregistered Will to be void against Purchaser from Persons entitled under a registered Will, or in default of a Will where Letters of Administration or Affidavit of Intestacy registered ; 26.

Purchasers protected against Bankruptcy and Insolvency, unless Appointment of Assignees, &c. be registered ; 27.

The Priority given by the preceding Clauses to be enforced in Equity, notwithstanding Notice; 28.

Purchaser for valuable Consideration not to be affected by Notice of Uses or Trusts not manifested by a registered Assurance, nor by Uses or Trusts declared by reference to an unregistered Assurance; 29.

Persons interested under Uses or Trusts affecting Estates vested under a registered Assurance may enter an Inhibition against Alienation; 30.

Inhibition to be entered in Index of Titles; 31.

Provision for cancelling Inhibition; 32.

Court of Chancery may restrain Registrar from cancelling Inhibition; 33.

Persons claiming under Assurances made while Inhibition is on the Register to be affected by Uses and Trusts not shown by a registered Assurance; 34.

Assurances registered at the same Time to have Priority according to the Time of Execution; 35.

The Protection of the Act to extend to Persons who claim under Purchasers; 36.

Protection by legal Estate and tacking not be allowed; 37.

Power for any Person to require an Entry to be made under any Head in Index of Titles referring to any Assurance indexed under any other Head; 38.

An Assurance which would have the Effect of merging any Interest not to have such Effect as against a subsequent Purchaser of such Interest, unless an Entry be made to lead such Purchaser to the Assurance; 39.

Power to enter a Caveat; 40.

Mode of entering Caveats; 41.

Extent of Protection to be afforded by Caveats; 42.

The Protection of Caveats restricted to specified Cases; 43.

A Seal to be kept, and the Impressions to be taken judicial Notice of; 44.

Duplicates of deposited Documents may be compared at the Office, and certified; 45.

Copies of and Extracts from deposited Instruments to be provided on Application, and to be certified; 46.

Where there are Duplicates of a registered Assurance, One Duplicate to be exempted from Stamp Duty, provided the deposited Document is duly stamped. The Exemption not to apply to Duplicates of Leases where either Part is executed by Lessee; 47.

Memorials, Office Copies, Extracts, and Requisitions to be exempt from Stamp Duty; 48.

Documents deposited at the Register Office not to be removed, except on legal Process ; 49.

Wills deposited at the Register Office may be removed for the Purpose of being proved, &c. After being proved, &c., the Will is to be retained ; 50.

Searches of the Indexes to be permitted, and Inspection of deposited Instruments allowed ; 51.

The Duties of Attornies, &c., to be fulfilled by causing an Office Search to be made. Attornies, &c. indemnified in relying on the Accuracy of Certificate ; 52.

Power to the Registrar to order that Documents to be deposited shall be written Bookwise or otherwise, &c. Additional Payment on Persons sending Documents to be deposited which shall not be conformable with such Order ; 53.

Power to the Registrar to require Statements for regulating the Entries to be sent with Assurances ; 54.

No Officer of the Register Office to be responsible for Omissions or Mistakes occasioned by Defects in the Statement ; 55.

The Fees specified in the Schedule to be paid ; 56.

Power for the Treasury to make Regulations as to numbering Documents, making Entries, examining Documents, making Copies and Extracts and Searches, granting Certificates, &c. ; 57.

Registration under this Act to have the same Effect against Acts prior to Commencement of Registrations as Registration under former Acts ; 58.

Entries of Decrees, Judgments, Rules, Statutes, Recognizances, Crown Debts, and Acceptances of Office under 7 & 8 Vict. c. 90. not affected ; 59.

Shares in Companies not to be affected ; 60.

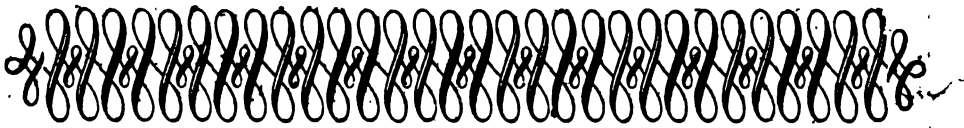
Punishment for forging Signatures required by this Act, or counterfeiting Impressions of the Seal of the Register Office ; 61.

Interpretation Clause, " Lands," " Assurance," " Will," " Person," " Grantor," " Addition ;" 62.

Act may be amended ; 63.

SCHEDULE.

7 February 1850. 13 VICT.



(Ireland.)

A

B I L L

TO

Amend the Laws for the Registration of Assurances of Lands in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS an Act of the Parliament of Ireland was passed
in the Sixth Year of Queen Anne, intituled “An Act for 6 Anne, c. 2.
“the public registering of all Deeds, Conveyances, and (I.)
“Wills that shall be made of any Honors, Manors, Lands, Tene-
5 “ments, or Hereditaments;” and an Act of the said Parliament for
amending the said first-mentioned Act was passed in the Eighth Year 8 Anne, c. 10.
of Queen Anne; and an Act of the said Parliament was passed in the (I.)
Eighth Year of King George the First, for explaining and amending 8 G. 1. c. 15.
the said Acts; and an Act of the said Parliament was passed in the (I.)
10 Twenty-fifth Year of King George the Third, intituled “An Act 25 G. 3. c. 47.
“for amending the several Laws relating to the registering of (I.)
“Wills and Deeds in the Registry Office of this Kingdom, and for
“the better regulating and conducting the Business of the said
“Office;” and by the said Acts certain Provisions are made for
15 registering Memorials of all Deeds. (save certain Leases), Convey-
ances, and Wills affecting Honors, Manors, Lands, Tenements, or
Hereditaments in Ireland; and by the said Act of the Sixth Year
of Queen Anne it is enacted, “That every Memorial of any Deed,
“Conveyance, or Will shall contain the Day of the Month and the
25. A “Year

“ Year when such Deed, Conveyance, or Will bears Date and was
 “ perfected, and the Names and Additions of all the Parties to such
 “ Deed or Conveyance, and of the Devisor or Testatrix of such Will,
 “ and of all the Witnesses to such Deed, Conveyance, or Will, and
 “ shall express or mention the Honors, Manors, Lands, Tenements, 5
 “ or Hereditaments contained in such Deed, Conveyance, or Will,
 “ and the Names of all the Counties, Baronies, Cities, Towns Cor-
 “ porate, Parishes, Townships, Hamlets, Villages, and Precincts
 “ within this Kingdom where any such Honors, Manors, Lands,
 “ Tenements, or Hereditaments are lying and being that are given, 10
 “ granted, conveyed, devised, or any way affected or charged by any
 “ Deed, Conveyance, or Will, in such Manner as the same are
 “ expressed or mentioned in such Deed, Conveyance, or Will, or to
 “ the same Effect, and that the Registrar shall keep an alphabetical
 “ Calendar of all Counties, Baronies, Cities, Towns Corporate, 15
 “ Parishes, and Townships within this Realm, with Reference to the
 “ Number of every Memorial that concerns the Honors, Manors,
 “ Lands, Tenements, or Hereditaments in every such County, Barony,
 “ City, Town Corporate, Parish, or Township respectively, and
 “ of the Names of the Parties mentioned in such Memorial.” 20

2 & 3 W. 4.
 c. 87. s. 29.

And whereas by an Act passed in the Third Year of King William
 the Fourth, intituled “ An Act to regulate the Office for registering
 “ Deeds, Conveyances, and Wills in Ireland,” it is enacted, “ That in
 “ every Memorial of any Deed or Instrument dated after the Thirty-
 “ first Day of December One thousand eight hundred and thirty-two, 25
 “ brought into the said Office to be registered, there shall be specified
 “ the County and Barony, or the Town or County of a City, and
 “ Parish, or the Town and Parish, in which the Lands and every of
 “ them to be affected by registering such Memorial are by such Deed
 “ or Instrument stated to be situated, and where the Lands lie in Two 30
 “ or more Counties or Baronies or Parishes, or Streets, or partly in
 “ one Barony, Parish, or Street, and partly in another, the same shall
 “ be distinctly stated in the Memorial from the Deed, and that where
 “ the Instrument to which the Memorial relates shall contain a Plan of
 “ the Lands or of any Part thereof, there may, if it be the Pleasure of 35
 “ the Party requiring the Registration of the Memorial, be inserted in
 “ or be annexed on Parchment, to the Memorial of such Instrument to
 “ be registered a Copy of such Plan,” and by the said last-mentioned
 Act an alphabetical Index of the Names of Persons affected by
 Memorials, to be called the “ Index of Names,” is required to be 40
 made, and kept in the Manner and Form specified in such Act,
 and it is enacted, “ that there shall be provided in the said Office, a
 “ Series of Parchment Books, to be called the “ Index of Lands,” and
 “ One Book of such Series shall be appropriated to each County, and
 “ One to each City being a County of itself, and One Book to every 45
 “ such

“ such Number of Towns, being Counties of themselves, as heretofore
 “ it has been customary to index together, and One Book to every such
 “ Number of other Towns as heretofore it has been customary to index
 “ apart from the Counties in which they are situated, and every
 5 “ Book appropriated to a City, being a County of itself, or to a Num-
 “ ber of Towns, shall be divided into Parishes or Streets, and each
 “ such Book for Counties shall contain separate Divisions under the
 “ Heads of Baronies, and for Cities or Towns under the Heads of
 “ Parishes or Streets, arranged alphabetically, with alphabetical Sub-
 10 “ divisions for Denomination of Lands, into which Books there shall
 “ be entered, by the Initial Letter of each Name, the Names of all
 “ Lands, Tenements, and Hereditaments specified in every Memorial
 “ registered in the Office, and to the Name of the Land, Tenement, or
 “ Hereditament there shall be subjoined the Name of the Parish or the
 15 “ Place respectively in which the same shall be described to be situated,
 “ and also the Year of Registry, and the Page of the Day Book, and
 “ the Number and Volume respectively of the Abstract and Transcript
 “ Books, and the Number and File of the Memorial relating thereto;
 “ and opposite to every such Entry of Lands there shall also be entered
 20 “ the Surname and Christian Name of the Grantor, and also the Sur-
 “ name and Christian Name of the Grantee; but where there shall be
 “ more than One Grantor the Name of the first Grantor only shall be
 “ so entered, with the Word ‘another’ or ‘others;’ and where more
 “ than One Grantee, in like Manner the Name of the first Grantee
 25 “ only, with the Word ‘other’ or ‘others:’” And whereas by an Act
 passed in the Twelfth Year of Her Majesty, intituled “ An Act to 11 & 12 Vict.
 “ facilitate the Transfer of Landed Property in Ireland,” it is enacted, c. 120.
 “ That it shall be lawful for the Commissioners of Her Majesty’s
 “ Treasury, or any Three of them, for the Time being, by an Order
 30 “ under their Hands, from Time to Time to make any Alterations
 “ in the Forms of the Indexes of Names and Lands directed by the
 “ said Act of the Third Year of King William the Fourth to be made,
 “ and from the Time of making any such Order, or from any Time
 “ to be specified therein, the said Indexes shall be made and kept in
 35 “ such Manner and Form as the said Commissioners of Her Majesty’s
 “ Treasury, or any Three of them, shall in such Order specify and
 “ direct; and it shall and may be lawful for the said Commissioners
 “ of Her Majesty’s Treasury, or any Three of them, in like Manner
 “ to vary or rescind any such Order as aforesaid:” And whereas, for
 40 the Purpose of the more convenient registering of Instruments affect-
 ing Lands in Ireland, it is expedient that Indexes should be formed
 with Reference to the General Survey of Ireland made under the
 Direction of the Master General and Board of Ordnance, and that the
 said Acts should be amended: Be it enacted, therefore, by the Queen’s
 45 most Excellent Majesty, by and with the Advice and Consent of the
 Lords

Ordnance
Maps to be
adapted and
used for the
Purposes of
this Act.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to authorize and direct the Maps made and published and to be made and published under the Direction of the Master General and Board of 5 Ordnance, or any altered or enlarged Maps (founded upon the Survey and revised Survey of Ireland) which may be made under the Direction of the said Master General and Board, and approved by the said Commissioners, to be used for the Purposes of this Act; and the said Commissioners, where they think fit, may cause Copies or Reprints 10 of all or any of the Maps published under the Authority of the said Master General and Board, with any Additions to or Variations in the Matters marked on the said Maps which the said Commissioners may deem convenient for the Purposes of this Act, to be made, under the Direction of the said Master General and Board, and may, where 15 they think fit, cause Maps on any enlarged Scale or Scales of any Cities, Towns, Parts, or Places in Ireland to be made, under the like Direction; and Copies of the Maps which the said Commissioners shall direct to be used for the Purposes of this Act shall be deposited in the said Register Office, and such Maps shall be published, and 20 Copies thereof shall be sold, as the said Commissioners shall direct.

Land In-
dexes to be
made, having
References
to the Maps.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to authorize and direct to be made for each County and City being a County of itself, and for each Town which it may seem to the said Commissioners expedient to 25 index apart from the County in which it is situate, a Land Index, in such Form as they shall approve, so as to show in every such Index appropriated to a County the Baronies, Townlands, Denominations, and Subdenominations and other Divisions of Land within such County, and in each Index appropriated to a City or Town the 30 Parishes and Streets, Denominations, and Divisions of Land within such City or Town, having References in every such Index from the several Townlands, Denominations, Subdenominations, Streets, and Divisions to the Maps to be used for the Purposes of this Act; and it shall be lawful for the said Commissioners to cause to be inserted 35 in such respective Land Indexes or to give Directions for the Insertion therein from Time to Time of the Names or short Descriptions of the Manors and incorporeal Hereditaments which cannot be conveniently indexed with reference to Maps within the respective Baronies, Parishes, and other Divisions of Land in every such County, 40 City, and Town respectively, and every such Land Index shall be deposited in the said Register Office, and shall be a Land Index to be used for the Purposes of this Act.

III. And

III. And be it enacted, That when the Maps and Land Indexes to be used for the Purposes of this Act have been completed it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be published in the Dublin Gazette Notice of a Time, not
5 earlier than *Three* Calendar Months from the Time of the Publication of such Notice, when Registration under the Provisions of this Act shall commence, and the Time mentioned in such Notice shall be the Commencement of Registration under this Act.

Commissioners of the Treasury to give Notice of Commencement of Registration under this Act.

IV. And be it enacted, That (except in the Cases herein-after
10 expressly provided for) no Memorial of any Assurance executed after the Commencement of Registration under this Act by which any Lands in Ireland may be affected at Law or in Equity shall be registered in the said Register Office; and every such Assurance may be registered in the said Register Office by the Deposit of the original
15 Document, or (where there are duplicate original Documents) of One of the duplicate original Documents, in the said Register Office, and by an Entry or Entries being made in the proper Index or Indexes to be kept in the said Register Office under the Provisions of this Act; and this Enactment shall extend to any Conveyance, Deed, Grant,
20 Lease, or other Instrument which by any Act of Parliament now in force is exempted from Registration, except such Leases as are so exempted by the said Act of the Sixth Year of Queen Anne; and the several Documents to be deposited in the said Register Office as aforesaid shall from Time to Time be made up into Books or
25 Parcels, and numbered.

No Memorial of Assurances to be registered; but all such Assurances may be registered by depositing an Original, and making the proper Entries.

The Documents deposited to be made up into Books or Parcels, and numbered.

V. And be it enacted, That there shall be provided and kept in the said Register Office, in addition to the Land Indexes herein-before mentioned, One Index for all Ireland, to be intituled "The Index of Titles;" and all Assurances to be registered under this
30 Act (except Wills and such other Assurances as are herein-after directed to be otherwise indexed) shall be indexed in the said Index of Titles under Heads to be respectively designated by Numbers in the Manner and according to the Regulations herein-after mentioned; (that is to say,)

An Index, to be called "The Index of Titles," to be kept for all Ireland; and Assurances to be indexed in such Index, under Heads designated by Numbers.

35 First.—Where the Grantor in the Assurance to be registered does not derive Title under an Assurance which has been indexed in the Index of Titles, the Assurance to be registered shall be indexed by making an Entry thereof under a new Head in such Index; and where the Assurance to be registered is a
40 Conveyance or Assignment by the Commissioners for Sale of Incumbered Estates in Ireland, then, notwithstanding any previous Assurance affecting the Lands comprised in such Conveyance
25. B veyance

1. Where the Grantor does not derive Title under any registered Assurance, the Assurance is to be indexed under a new Head.

veyance or Assignment may have been so indexed, such Commissioners shall not be deemed to derive Title under any such Assurance; and every such Conveyance or Assignment shall be indexed by making an Entry thereof under a new Head in such Index of Titles. 5

2. Where the Grantor does derive Title under a registered Assurance, the Assurance is to be indexed under the same Head as the Assurance under which Title is derived.

Second.—Where the Grantor in the Assurance to be registered derives Title, either immediately or derivatively, under an Assurance which has been indexed in the Index of Titles, the Assurance to be registered shall be indexed by making an Entry thereof under the same Head as the Assurance under which 10 such Title is derived; and if the Title be derived under several successive Assurances, which (by virtue of any Regulation herein-after contained) have been indexed under different Heads in the Index of Titles, the Assurance to be registered shall be indexed by making the Entry under the same Head as 15 such One of the said successive Assurances as has been last executed.

3. Power enabling an Assurance required by Regulation 2. to be indexed under an existing Head to be indexed under a new Head.

Third.—Where by the Second Regulation an Assurance is required to be indexed under an existing Head, the Person requiring the Registration may direct the Assurance, instead of being 20 indexed under such existing Head, to be indexed under a new Head, and the Assurance shall be indexed accordingly; and a Reference shall be made under such existing Head to the Head under which the Assurance shall be indexed under this Regulation. 25

4. No Assurance to be indexed under more than One Head.

Fourth.—Where, by the Effect of the First and Second Regulations, an Assurance would be required to be indexed in the Index of Titles in respect of different Lands or different Interests in Lands under any Two or more Heads, the same shall be indexed under such One only of the said Heads (whether 30 an existing Head or a new Head) as the Person requiring the Registration of the Assurance shall by any Writing direct, or in default of any such Direction, as the Officer by whom the Assurance is indexed shall think fit; and in case any other of such Heads be an existing Head, a Reference shall be made 35 under every such other existing Head to the Head under which the Assurance shall be indexed; and in any such Case as is provided for by this Regulation the Power given by the Third Regulation is not to be exercised so as to occasion the Assurance to be indexed under more than One Head. 40

5. Particulars to be expressed on indexing an Assurance.

Fifth.—Where by any of the preceding Regulations an Entry is directed to be made in the Index of Titles, the Entry shall express the Year and the Day of the Month when the same is made, and the Book or Parcel in which the Document deposited at

at the said Register Office is made up, and the Number of such Document in such Book or Parcel; and such other Particulars as under any Regulations to be made as herein-after mentioned shall be directed.

- 5 Sixth.—Where Lands are conveyed or otherwise assured to any Person or Persons in trust to be sold, or otherwise converted into Money, for the Purpose only of securing the Payment of any Sum of Money, or the Transfer or Assignment of any Parliamentary or other Stocks, Funds, or Securities, and are
10 redeemable before the Sale and Disposal thereof, either by express Stipulation or otherwise, and in every other Case where an Assurance of Lands is intended only as a Security for the Payment of any Sum or Sums of Money, whether annual, or in gross, or otherwise, to be payable, or as a Security
15 for the Transfer or Assignment of any Parliamentary or other Stocks, Funds, or Securities, any Person entitled to the Right or Equity of Redemption or Reversion in such Lands or to any Interest therein, or entitled to such Lands or any Interest therein subject to the Security so made by such Assurance as
20 aforesaid, shall not for the Purposes of the preceding Regulations be considered to have derived his Title to such Right or Equity of Redemption or Reversion or such Interest therein, or his Title to such Lands or such Interest therein subject as aforesaid, through or under the Assurance by which such Mortgage
25 or other Security has been made; and such Assurance shall for such Purposes, and as to such Person entitled as aforesaid, be considered not to have been made or executed.

6. The Grantor of an Equity of Redemption is not to be considered as deriving his Title under the Mortgage Deed.

- VI. And be it enacted, That where an Entry of an Assurance is made under a new Head in the Index of Titles an Entry shall
30 be made in the Land Index for the County, or County of a City or Town, in which the Land or Hereditament affected by such Assurance is situate, opposite to the Name or Number of every Townland, Denomination, and Subdenomination or other Division of Land, or the Name or Description of the Hereditament affected by the
35 Assurance entered under such new Head, which Entry in the Land Index shall contain a Reference to such new Head in the Index of Titles; and where an Entry is made under any existing Head in the Index of Titles of an Assurance affecting any Townland, Denomination, or Subdenomination or other Division of Land, or any Hereditament,
40 opposite to the Name, Number, or Description of which in the Land Index no Reference to such existing Head in the Index of Titles has been previously made, an Entry shall be made in the Land Index opposite to the Name, Number, or Description of such Townland, Denomination, Subdenomination, Division, or Hereditament, which
25. Entry

Entries to be made in "Land Index" containing References to the Entries in the "Index of Titles."

Entry shall contain a Reference to such existing Head in the Index of Titles; and where any Manor or other incorporeal Hereditament opposite to the Name or Description of which in the Land Index an Entry is required to be made under this Enactment is not already shown in such Index, the Name or Description of such Manor or 5 Hereditament shall, at the Time when such Entry as last aforesaid is required to be made, be entered in the Land Index for the County, or County of a City or Town, in which the same is situate, and when so entered such Entry as is required as aforesaid to be made in such Land Index opposite to the Name or Description of such Manor or 10 Hereditament shall be made.

Decrees in Equity creating, declaring, transferring, foreclosing, or determining Interests in Land, and also Decrees in Equity by which any such Decree shall be varied or reversed, and Orders of Exchange, Partition, or Division and Allotment made by Incumbered Estates Commissioners, are to be considered Assurances.

Civil Bill Decrees under 56 G. 8. c. 88. may be registered.

VII. And be it enacted, That every Decree or Order of any Court of Equity made after the Commencement of Registration under this Act, by which any Estate or Interest in any Lands in Ireland is created, declared, transferred, foreclosed, or determined, and also 15 every Decree or Order of any Court of Equity made after such Commencement by which any such Decree or Order as aforesaid is varied or reversed, shall for the Purposes of this Act be considered an Assurance affecting such Lands, and in every such Case the Document to be deposited shall be a Memorial of the 20 Decree or Order, which Memorial shall express the Date of the Decree or Order, and the Title of the Cause wherein the same purports to be made, and shall also express the Decree or Order, or so much thereof as relates to the Estate or Interest created, declared, transferred, foreclosed, or determined by the Decree or Order to be 25 registered, or by the Decree or Order which is varied or reversed by the Decree or Order to be registered (as the Case may be); and every such Memorial as aforesaid shall, previously to the same being deposited in the said Register Office, be examined with the Decree or Order by some Officer authorized to give out an Office Copy of such 30 Decree or Order, and shall be certified by the Signature of such Officer; and every such Officer is hereby required to examine any such Memorial, and certify the same by his Signature, at the Request of any Person, upon being paid the Sum of ; and every Order of Exchange, or of Partition, or of Division and Allotment, 35 made after the Commencement of Registration under this Act by the Commissioners for Sale of Incumbered Estates in Ireland, shall, for the Purposes of this Act, be considered an Assurance affecting the Lands to which such Order may relate, and in every such Case the Document to be deposited shall be a Copy under the Seal of such Com- 40 missioners of such Order; and every Civil Bill Decree made after the Commencement of Registration under this Act which, under an Act of the Fifty-sixth Year of King George the Third, intituled "An Act " to amend the Law of Ireland respecting the Recovery of Tene-
" ments

“ ments from absconding, over-holding, and defaulting Tenants, and
 “ for the Protection of the Tenant from undue Distress,” is autho-
 rized to be registered in the said Office, shall, for the Purposes of this
 Act, be deemed an Assurance affecting the Lands of which the Pos-
 5 session is thereby decreed, and the Registration thereof under this
 Act shall give the like Effect to such Decree as would have been
 given by the Registry thereof in the said Office if this Act had not
 been passed, and in the Case of every such Decree the Document
 to be deposited shall be such Memorial as may now be lodged for
 10 the Purpose of the Registry of a like Decree.

VIII. And be it enacted, That every private Act of Parliament to
 be passed after the Commencement of Registration under this Act
 by which any Lands in Ireland are affected shall for the Purposes of
 this Act be considered an Assurance affecting such Lands, and the
 15 Document to be deposited in the Case of any such Act as aforesaid
 shall be a Copy of the Act printed by Her Majesty's Printers, or if
 the Act be not so printed, then an examined Copy of the same.

Every pri-
 vate Act of
 Parliament
 affecting
 Lands to be
 an Assu-
 rance.

IX. And be it enacted, That in every Case where the Provisions
 of any Act of Parliament, passed or to be passed, have the Effect
 20 of vesting Lands or any Estate or Interest in Lands in Ireland in
 any Person by or upon the Payment of Money, or by or upon any
 other Act, (other than any Assurance, herein-before authorized to
 be registered,) and such Lands, Estate, or Interest become so vested
 by or upon any such Payment or other Act made or done after the
 25 Commencement of Registration under this Act, any Person claiming
 under or by virtue of the vesting of such Lands, Estate, or Interest
 as aforesaid may register a Memorandum containing a Reference to
 such Act of Parliament, and a Description of the Lands, and express-
 ing the Payment or other Act by or upon which such Lands, Estate,
 30 or Interest shall have so vested as aforesaid, and in every such Case
 the Memorandum to be so registered shall for the Purposes of this Act
 be considered an Assurance affecting the Lands: Provided always,
 that nothing in this Enactment contained shall be deemed to apply
 or have reference to the vesting of the Estate of a Bankrupt or In-
 35 solvent in the Assignee or Assignees or Trustee of such Bankrupt or
 Insolvent.

Whereby a
 public Act
 any Lands
 are vested
 upon the
 Payment of
 Money, &c.,
 a Memorand-
 um of the
 Payment or
 other Act
 may be
 registered.

This Clause
 not to extend
 to the vesting
 of the Estate
 of a Bank-
 rupt or In-
 solvent.

X. And be it enacted, That any Person claiming any Interest
 under any equitable Mortgage affecting any Lands in Ireland made
 by Deposit of Title Deeds after the Commencement of Registration
 40 under this Act may register a Memorandum containing a Descrip-
 tion of the Lands and the Names of the Persons by and with whom
 respectively the Title Deeds are deposited, and expressing the Principal
 25. C Sum

Equitable
 Mortgage
 by Deposit
 of Deeds may
 be registered
 by depositing
 a Memo-
 randum.

Sum of Money secured by such equitable Mortgage, or, in case the total Amount of the Principal Money secured or to be ultimately recoverable upon such equitable Mortgage shall be limited not to exceed a given Sum, the total Amount of such Money, or in case the Money secured by such equitable Mortgage shall be without any Limit, that 5 the Money secured by such equitable Mortgage is unlimited; and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting such Lands.

Liens by reason of Nonpayment of Purchase Money may be registered by depositing a Memorandum.

XI. And be it enacted, That where, by reason of the Nonpayment 10 of Purchase Money, a Vendor has, after the Commencement of Registration under this Act, acquired a Lien for such Purchase Money on any Lands in Ireland, any Person claiming an Interest in such Lien may register a Memorandum containing such Particulars of the Conveyance by the Vendor as are sufficient to identify the same, and also 15 containing a Description of the Lands, and expressing the Amount of the Money for which a Lien is claimed; and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting such Lands.

The Assurance to be considered to have been made by the Person whose Right, &c. in the Lands shall be bound by the Decree, &c.

XII. And be it enacted, That in the several Cases provided for by 20 the Five immediately preceding Sections, the Assurance to be registered shall for the Purposes of this Act be considered to have been made by the Person whose Right or Interest in the Lands shall be bound or affected by the Decree or Order, the private Act of Parliament, the vesting of the Lands, Estate, or Interest, the equitable 25 Mortgage or the Lien (as the Case may be); and the same Entry or Entries shall be made on registering such Assurance as would have been required under the Provisions herein-before contained for regulating the Entries on registering Assurances, if the Lands to be affected by the Decree or Order, the private Act of Parliament, the 30 vesting of the Lands, Estate or Interest, the equitable Mortgage or the Lien (as the Case may be), had been so affected by the Grant or Conveyance of such Person; and in the several Cases provided for by the Three immediately preceding Sections, every Person claiming or deriving any Right or Title under or by virtue of the 35 vesting of the Lands, Estate, or Interest, the equitable Mortgage or the Lien (as the Case may be), shall for the Purposes of this Act be considered to claim or derive such Right or Title under the Assurance which by virtue of the Section applicable to the Case shall have been so registered as aforesaid.

40

Registration of Wills.

XIII. And be it enacted, That any Will by which any Lands in Ireland may be affected at Law or in Equity, where the Testator dies

dies after the Commencement of Registration under this Act, may be registered in the said Register Office by the Deposit of the original Will or (where there are duplicate original Wills) of one of the duplicate original Wills in the said Register Office; or if such Will
 5 be proved, or Letters of Administration with such Will annexed be granted, in any Court in Ireland having Jurisdiction for the Probate of Wills, and such Will be deposited in such Court, the same may be registered in the said Register Office by the Deposit in such Office of a Memorial of such Will, containing such Particulars as
 10 are now by Law required in the Case of a Will registered in the said Register Office, and also mentioning the Court in which and the Time when such Will was proved or such Letters of Administration granted, or by the Deposit in the said Register Office of an Office or authenticated Copy of the Will duly certified by the Registrar or
 15 other chief Officer of the Court in which such Will was proved or such Letters of Administration granted; or if such Will be proved or Letters of Administration with such Will annexed be granted in any Court having Jurisdiction for the Probate of Wills in England, or elsewhere out of Ireland, or be by any Law for the Time being in force
 20 in the United Kingdom or elsewhere required to be filed or deposited or kept in any Office or Place out of Ireland, in respect of Property affected thereby, such Will may be registered in the said Register Office by the Deposit in such Office of a Copy of the same; provided, that where there is any Officer authorized to give out an
 25 Office or authenticated Copy from the Office or Place of Deposit of such Will, the Copy to be deposited in the said Register Office shall be an Office or authenticated Copy duly certified by such Officer; and the Wills and Memorials and Copies of Wills to be deposited in the said Register Office as aforesaid shall from Time to
 30 Time be made up into Books or Parcels separately from other Documents deposited in the said Office under this Act, and numbered.

XIV. And be it enacted, That Letters of Administration without a Will annexed, granted in respect of the Estate and Effects of any Person dying after the Commencement of Registration under this
 35 Act, may be registered in the said Register Office by the Deposit in such Office of an Office Extract of such Letters, and any Person claiming any Estate or Interest in Land in Ireland as Heir or otherwise which might have been defeated or affected by the Will of any Person dying after the Commencement of Registration under this Act,
 40 and believing such Person to have died intestate or intestate as to such Land, may make and register an Affidavit, stating that the Deponent claims such Estate or Interest, and stating the Time of the Death of such deceased Person, and that the Deponent believes that such deceased Person died without a Will, or without any Will other than
 25. any

Letters of Administration or Affidavit of Intestacy may be registered.

any Will in such Affidavit mentioned; and such Affidavit shall be sworn before the Registrar or an Assistant Registrar of the said Register Office, or One of the Judges of Her Majesty's Superior Courts of Law in Ireland or at Westminster, or Two of Her Majesty's Justices of the Peace, and shall be deposited in the said Register Office; and all such Office Extracts of Letters of Administration, and all such Affidavits as aforesaid, shall be made up in the same Books or Parcels as Wills registered in the said Register Office, and shall be numbered in like Manner as if the same were Wills.

An Index, to be called "The Index to Wills and Administrations," to be kept for Ireland; and where a Will, Letters of Administration, or Affidavit is registered, an Entry of the Testator's or Intestate's Name to be made in such Index, and also an Entry of the Will, Letters, or Affidavit.

XV. And be it enacted, That there shall be provided and kept in the said Register Office for the whole of Ireland an alphabetical Index, to be intituled "The Index to Wills and Administrations;" and where any Will is registered under this Act an Entry of the Name of the Testator, or Intestate, with his Addition, if any, as set forth in the Will, Letters of Administration, or Affidavit, shall be made in the said Index to Wills and Administrations; and opposite to the Name of every Testator or Intestate whose Name is so entered an Entry shall be made, expressing the Year and Day of the Month when such Entry is made, and the Nature of the Document deposited, and the Book or Parcel in which the Will or Memorial or Copy or Office Extract of Letters of Administration or Affidavit is made up, and the Number thereof in such Book or Parcel, and no Will shall be deemed duly registered under this Act unless and until such Entries shall be duly made.

Where the Original is lost, a Copy or Extract may be deposited.

XVI. And be it enacted, That where the original Document or (if there be Duplicates) the several original Documents are destroyed or lost, a Copy of or (in Cases where no Copy is known to exist) an Extract from the original Document, or of or from any One of the duplicate original Documents, may, on registering the Assurance, be deposited in the said Register Office in lieu of an original Document, and thereupon the Registration of the Assurance shall (so far as respects depositing a Document) be as valid and effectual as if an original Document had been deposited in the said Register Office; provided always, that in every such Case an Affidavit of the Destruction or Loss of the original Document or (if there have been duplicate Originals) of the Destruction or Loss of the several original Documents, and (where an Extract only is deposited) of the Nonexistence, to the best of the Deponent's Belief, of any Copy of the original Document or of any one of the original Documents (as the Case may be), shall be brought or sent to the said Register Office with the Instrument which is brought or sent for the Purpose of being deposited as aforesaid, and shall be deposited together with the same in the said Register Office; and every

- every such Affidavit as aforesaid shall be sworn before and signed by the Registrar or an Assistant Registrar (who is hereby empowered to administer an Oath for such Purpose), or One of the Judges of Her Majesty's Superior Courts of Law in Ireland or at Westminster, or Two of Her Majesty's Justices of the Peace: Provided always, that in the case of an Extract the Registration of the Assurance shall be effectual only so far as such Extract extends, and so far as the same substantially and in material Respects agrees with the original Document.
- 10 XVII. Provided always, and be it enacted, That where the Document which by any of the Provisions of this Act would be required to be deposited in the said Register Office on registering any Assurance, by any Law for the Time being in force in the United Kingdom or elsewhere, is required to be filed or deposited or kept in any other
15 Office or Place, a Copy of such Document may, on registering the Assurance, be deposited in the said Register Office in lieu of such Document, and thereupon the Registration of the Assurance shall (so far as respects depositing a Document) be as valid and effectual as if the original Document had been deposited at the said Register Office;
20 provided that where there is any Officer authorized to give out an Office or authenticated Copy of such Document the Instrument to be deposited in the said Register Office under this Enactment shall be an Office or authenticated Copy duly certified by such Officer.

In case of an Extract, the Registration to be effectual only as far as the Extract agrees with the Original.

Where the Document directed by this Act to be deposited at the Register Office is required to be deposited at any other Office or Place, a Copy may be deposited at the Register Office.

- XVIII. And be it enacted, That any Person having an Interest in
25 any Lands under any Assurance by this Act authorized to be registered, which has not been registered, may require any Person in possession of the original Document, or (if there be Duplicates) any one of the original Documents, or (where the original Document or the several original Documents is or are lost) a Copy of, or (in case where
30 no Copy is known to exist) an Extract from the original Document or of or from any of the original Documents, to deliver or send the same at or to the said Register Office for the Purpose of its being registered; and in case the Person in whose Possession the same shall be refuse so to do, it shall be lawful for any Judge of any of the
35 Superior Courts of Law in Ireland or at Westminster, upon a summary Application, to make such Order respecting the Delivery or sending of such Document or Copy or Extract as aforesaid at or to the said Register Office for the Purpose aforesaid as to such Judge in the Exercise of his Discretion shall, under the Circumstances of the
40 Case, appear proper: Provided always, that this Enactment shall not authorize any Person to require or enforce the Registration of any Assurance or Copy or Extract in case any Agreement or Provision have been made for the Non-registration of such Assurance by
25. D him

Power to any Person claiming under an Assurance to compel the Registration thereof by Application to a Judge.

him or by any Person from or through whom he derives an Interest under such Assurance.

Power to Judge to make Order as to Costs, and to order an Office Copy to be furnished at the Expense of the Applicant.

XIX. And be it enacted, That it shall be lawful for the Judge to whom any such Application is so made to make such Order respecting the Costs of such Application, and the Costs incidental thereto, and the Cost of Registration, as to such Judge shall seem proper; and it shall also be lawful for such Judge, if he think proper so to do, to order that an Office Copy of the original Document, or of the Copy or Extract to be delivered or sent as aforesaid, shall be furnished to the Party by whom the same shall be so delivered or sent, at the Expense 10 of the Party by whom the Application is made.

Appointments of Assignees in Bankruptcy in England and Ireland and Acts and Warrants of Confirmation in Scotland may be registered by Deposit of Copy and making proper Entry.

XX. And be it enacted, That every Appointment or Choice of Assignees of any Bankrupt, whether such Bankruptcy be in England or Ireland, made after the Commencement of Registration under this Act may be registered in the said Register Office by the Deposit in 15 the said Register Office of an Office Copy of the Certificate of such Appointment or Choice, and by the Entry required by the Provision in that Behalf herein-after contained being made in the proper Index in the said Register Office; and every Act and Warrant of Confirmation to the Trustee on the sequestrated Estate of any Bankrupt in 20 Scotland made after the Commencement of Registration under this Act may be registered in the said Register Office by the Deposit in such Office of a Copy of such Act and Warrant, certified by One of the Bill Chamber Clerks, and authenticated by the Seal of the Court of Session, and by the Entry required by the Provision herein-after 25 in that Behalf contained being made in the proper Index in the said Register Office; and all such Copies as aforesaid shall from Time to Time be made up into Books or Parcels, and numbered.

Any Order or Appointment, &c. of Assignees in Insolvency may be registered by Deposit of a Copy or Certificate and making the proper Entry.

XXI. And be it enacted, That where by virtue of any vesting or other Order made after the Commencement of Registration under 30 this Act by any Court, Commissioner, or Judge (whether in Ireland, England, or any other Part of Her Majesty's Dominions,) having Jurisdiction in this Behalf, or of any Nomination, Appointment, or Choice of any Provisional, Official, or other Assignee or Assignees made after such Commencement by such Court, Commissioner, or Judge, or 35 by Creditors of any Insolvent Debtor, the Estate and Effects of any Insolvent Debtor become vested in any such Assignee or Assignees, every such Order, Nomination, Appointment, or Choice may be registered in the said Register Office, by depositing in the said Register Office an Office or authenticated Copy or Certificate of 40 such Order, Nomination, Appointment, or Choice, and by the Entry required

required by the Provision in that Behalf herein-after contained being made in the proper Index in the said Register Office.

XXII. And be it enacted, That there shall be provided and kept in the said Register Office for the whole of Ireland an alphabetical Index, to be intituled "The Index to Bankrupts and Insolvents;" and where any Appointment or Choice of Assignees, or Act and Warrant of Confirmation in any Bankruptcy, or any such Vesting or other Order, Nomination, Appointment, or Choice of any Assignee or Assignees in any Insolvency, is registered under this Act, an Entry of the Name of the Bankrupt or Insolvent, with the Addition (if any) of such Bankrupt or Insolvent as set forth in the Copy or Certificate deposited as aforesaid on such Registration, shall be made in the said Index to Bankrupts and Insolvents; and opposite to the Name of every Bankrupt or Insolvent whose Name is so entered an Entry shall be made expressing the Year and Day of the Month when the same Entry is made, and the Book or Parcel in which the said Copy or Certificate has been made up, and the Number of the same in such Book or Parcel.

An Index, to be called "The Index to Bankrupts and Insolvents," to be kept for Ireland.

XXIII. And be it enacted, That every Assurance by this Act authorized to be registered, other than a Will, shall (so far as regards any Lands to be affected thereby) be void as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, unless the prior Assurance has been registered in the Manner directed by this Act before the Registration of the subsequent Assurance.

Assurances authorized to be registered to be void as against Purchasers, unless registered.

XXIV. And be it enacted, That where any public Act of Parliament, passed or to be passed, contains any Provision for vesting any Lands, or any Estate or Interest in Lands in Ireland in any Person by or upon the Payment of Money, or by or upon any other Act (except any Act under any Bankruptcy or Insolvency, or an Assurance herein-before authorized to be registered), and such Lands, Estate, or Interest become so vested by or upon any such Payment or other Act (except as aforesaid), made or done after the Commencement of Registration under this Act, and where any Equitable Mortgage affecting Lands in Ireland is made by the Deposit of Title Deeds after the Commencement of Registration under this Act, and where by reason of the Nonpayment of Purchase Money a Vendor has, at any Time after the Commencement of Registration under this Act, acquired a Lien for such Purchase Money on any Lands in Ireland, such vesting of such Lands, Estate or Interest, Equitable Mortgage and Lien, respectively shall be void as against any Person claiming for valuable Consideration under any subsequent

Estate or Interest arising under public Act upon Payment of Money, &c.

Equitable Mortgage by Deposit of Deeds, and Lien for Purchase Money, to be void as against Purchasers, unless Memorandum registered.

subsequent Assurance duly registered, unless in the respective Case of such vesting of such Lands, Estate, or Interest, Equitable Mortgage and Lien, such Memorandum as is herein-before in such respective Case authorized to be registered be registered in the Manner required by this Act before the Registration of the subsequent 5 Assurance.

Assurance
duly entered
as to Part
only of the
Lands to be
deemed
duly regis-
tered as to
such Part.

XXV. And be it enacted, That no Assurance shall be deemed registered under this Act unless and until all the Entries required by this Act in respect of such Assurance have been duly made, provided that where, upon the Registration under this Act of an Assurance, 10 all the Entries which would be required for such Registration have been duly made as to Part only of the Lands affected thereby such Assurance shall, as to the Lands with respect to which such Entries have been so made, but not as to the Residue of the Lands affected by such Assurance, be deemed duly registered under 15 this Act.

Unregistered
Will to be
void against
Purchaser
from Persons
entitled
under a re-
gistered Will,
or in default
of a Will
where
Letters of
Administra-
tion or Affi-
davit of
Intestacy
registered.

XXVI. And be it enacted, That where any Will, Letters of Administration, or Affidavit of Intestacy, authorized to be registered under this Act, has or have been duly registered under this Act, every other Will affecting Lands in Ireland authorized to be regis- 20 tered under this Act, and made by the Person by whom such first-mentioned Will was made, or in respect of whose Estate and Effects such Letters of Administration were granted, or with respect to whose Intestacy or alleged Intestacy such Affidavit was made, shall, so far as regards such Lands, be void as against any Person claiming 25 for valuable Consideration under any Assurance duly registered made after the Death of the Testator by any Person claiming immediately or derivatively under such first-mentioned Will or such Letters of Administration, or by any other Person by whom such Assurance might have been made if such other Will as aforesaid had 30 not been executed, unless such Will be registered before the Registration of such Assurance or such first-mentioned Will, Letters of Administration, or Affidavit: Provided always, that every Will registered within *Two Years* after the Death of the Testator shall be as valid and effectual as if the same had been registered immediately 35 after the Death of the Testator: Provided also, that if by reason of the Concealment, Suppression, or contesting of any Will, or other inevitable Difficulty, any Person interested thereunder be disabled from registering the same within such *Two Years*, and such Person, or any Person on his Behalf, within such last-mentioned Period, 40 make and register, in manner herein directed, an Affidavit stating the Name and Addition of the Testator, the Date of his Death, and the Impediment to the Registration of such Will which may be existing at

at the Time of making such Affidavit, then and in such Case the Registration of such Will in manner directed by this Act within Six Calendar Months next after all Impediments to the Registration thereof are removed shall be as valid and effectual as if the same had been
5 registered immediately after the Death of the Testator; and such Affidavit as aforesaid shall be sworn before the like Person or Persons as an Affidavit of Intestacy, and registered by the Deposit thereof in the said Register Office, and shall be made up and numbered with the Wills registered in the said Office, and an Entry shall be made of
10 such Affidavit in the Index to Wills and Administrations in like Manner as in the Case of a Will, save that in describing the Document deposited the same shall be called an Affidavit of a Will.

XXVII. And be it enacted, That where the first Appointment of Assignees in any Bankruptcy in England or Ireland, or the first Act
15 and Warrant of Confirmation to a Trustee in any Bankruptcy in Scotland, or the first Vesting or other Order, or Nomination, Appointment, or Choice of any Assignee or Assignees in any Insolvency, under which the Estate and Effects of the Bankrupt or Insolvent becomes vested in any Assignee or Assignees or Trustee under the
20 Bankruptcy or Insolvency, is made after the Commencement of Registration under this Act, such Bankruptcy, or any Appointment or Choice of Assignees, or Act and Warrant of Confirmation thereunder, or such Insolvency, or any Vesting or other Order, Nomination, Appointment, or Choice of Assignee or Assignees thereunder, shall
25 not, as against any Person claiming for valuable Consideration under any Assurance duly registered under this Act made by the Bankrupt or Insolvent or any other Person by whom the same might have been made if such Bankruptcy or Insolvency had not happened, invalidate or affect such Assurance, unless such Appointment or
30 Choice of Assignees, or Act and Warrant of Confirmation, (in the Case of Bankruptcy,) or Vesting or other Order, or Nomination, Appointment, or Choice of Assignee or Assignees, (in the Case of Insolvency,) as is authorized to be registered under this Act, be duly registered under this Act before the Registration of such Assurance
35 as aforesaid, or within Two Calendar Months after the Date of the first Appointment, or Act and Warrant of Confirmation, (in Bankruptcy,) or Order, Nomination, Appointment, or Choice, (in Insolvency,) under which the Estate and Effects of the Bankrupt or Insolvent shall vest in any Assignee or Assignees or any Trustee
40 under the Bankruptcy or Insolvency.

Purchasers protected against Bankruptcy and Insolvency unless Appointment of Assignees, &c. be registered.

XXVIII. And be it enacted, That the Priority given by the Pro-
visions herein-before contained to any Person claiming for valuable Consideration, without Fraud, under a subsequent Assurance, shall not
25. E be
The Priority given by the preceding Clauses to be

enforced in
Equity, not-
withstanding
Notice.

be taken away by any Court of Equity in consequence of such Person having been affected with Notice; and where, under the Provisions herein-before contained, Priority shall be given to any Person claiming for valuable Consideration under a subsequent Assurance an equitable Estate or Interest, such Priority shall be enforced in Equity, although 5 the Person claiming under such subsequent Assurance shall have been affected with Notice.

Purchaser
for valuable
Consideration
not to be
affected by
Notice of
Uses or
Trusts not
manifested
by a regis-
tered Assu-
rance, nor by
Uses or
Trusts
declared by
reference to
an unregis-
tered Assu-
rance.

XXIX. And be it enacted, That where any Estate or Interest in Lands in Ireland is vested in any Person under any Assurance registered under this Act, no Purchaser for valuable Consideration, without 10 Fraud, claiming under any Assurance made by the Person in whom such Estate or Interest is so vested, shall be affected or bound by reason of Notice of any Use, Trust, or Confidence affecting such Estate or Interest not manifested or proved by such first-mentioned Assurance, or some other Assurance duly registered under this Act 15 before the Registration of the Assurance under which such Purchaser so claims; and where in any Assurance registered under this Act any Use, Trust, or Confidence affecting any Estate or Interest in Lands in Ireland vested in any Person under any Assurance registered under this Act is declared or created by reference to and depends for its 20 Validity or for the Terms thereof upon some other Assurance executed after the Commencement of Registration under this Act, no Purchaser for valuable Consideration, without Fraud, claiming under any Assurance made by the Person in whom such Estate or Interest is so vested, shall be affected by such Use, Trust, or Confidence, 25 unless the Assurance by reference to which such Use, Trust, or Confidence is so declared or created be registered under this Act before the Registration of the Assurance under which such Purchaser so claims.

Persons in-
terested
under Uses
or Trusts
affecting
Estates
vested under
a registered
Assurance
may enter an
Inhibition
against Alien-
ation.

XXX. And be it enacted, That where any Person is interested under any Use, Trust, or Confidence affecting any Estate or Interest 30 in Lands in Ireland which is vested in any Person under any Assurance registered under this Act, and such Use, Trust, or Confidence is not manifested or approved by any Assurance registered under this Act, or is in any Assurance registered under this Act declared and created by reference to and depends for its Validity or for 35 the Terms thereof upon some other Assurance executed after the Commencement of Registration under this Act, and not registered under this Act, any Person so interested as aforesaid may, by a Requisition in Writing under his Hand, delivered at the said Register Office together with such Affidavit as herein-after 40 mentioned, require Inhibition in respect of any Lands to be mentioned in such Requisition to be entered in the said Register Office against any Person to be mentioned in such Requisition in whom such

such Estate or Interest is vested as aforesaid, alienating, charging, or affecting such Lands by virtue of such Estate or Interest, without Notice being first given by the said Registrar to the Person signing, or some Person on his Behalf, at some Office or Place to be mentioned in such Requisition, and situate within Ten Miles of the said Register Office; and such Requisition shall specify the Date of and Parties to the Assurance under which such Estate or Interest is vested, and the Head under which the same is entered in the Index of Titles; and the Affidavit to be delivered with such Requisition shall be made by the Person signing such Requisition, and such Person shall therein swear that he believes that he is interested under such Use, Trust, or Confidence as aforesaid, and such Affidavit shall be sworn before any Person or Persons before whom any other Affidavit authorized to be deposited in the said Register Office under this Act may be sworn; and all Requisitions for Inhibitions shall, together with the respective Affidavits delivered therewith, be from Time to Time made up into Books or Parcels, and numbered, the Affidavit delivered with each Requisition being numbered with the same Number as the Requisition.

XXXI. And be it enacted, That where an Inhibition is so required to be entered as aforesaid an Entry shall be made in the Index of Titles under the same Head and expressing the like Particulars as if the same were an Assurance to be registered under this Act.

Inhibition to be entered in Index of Titles.

XXXII. And be it enacted, That any Person against whom such Inhibition is so entered as aforesaid, or any Person interested in the Lands to which the same relates, may, by Writing signed by such Person, and lodged at the said Register Office, require the said Registrar to cancel the Entry in the said Index of Titles of such Inhibition; and the said Registrar shall, within *Two* Days after such Requisition, give Notice thereof to the Person on whose Requisition the Inhibition has been entered, and shall state in such Notice that on the Expiration of *Fourteen* Days after the Service thereof the Inhibition will be cancelled; and the Service of such Notice at the Office or Place mentioned in the Requisition for the Inhibition shall be deemed good Service thereof; and at the Expiration of the said Period of *Fourteen* Days after such Service the said Registrar, unless sooner restrained by the Order of the Court of Chancery as herein-after mentioned, shall cancel the Entry in the Index of Titles of the said Inhibition.

Provision for cancelling Inhibition.

XXXIII. And be it enacted, That it shall be lawful for the Court of Chancery in Ireland, upon the Application of any Party interested, by Motion or Petition in a summary Way, without Bill filed, to restrain the Registrar of the said Register Office from cancelling the Entry

Court of Chancery may restrain Registrar from cancelling Inhibition.

Entry of any Inhibition entered under this Act: Provided always, that the said Court of Chancery shall have full Power, upon the Application of any Party, to discharge or vary such Order, and to award such Costs on such Application as such Court may see fit, and generally to make such Order in relation to the Premises as to the same Court may seem fit.

Persons claiming under Assurances made while Inhibition is on the Register to be affected by Uses and Trusts not shown by a registered Assurance.

XXXIV. And be it enacted, That any Person claiming, under any Assurance made by any Person against whom any Inhibition is entered as aforesaid, by virtue of any Estate or Interest in Lands in Ireland vested in such last-mentioned Person in relation to which such Inhibition is entered, shall, where such Assurance is executed after the Entry of such Inhibition, and before the same is cancelled, be affected by and take, subject to the Uses, Trusts, and Confidences affecting such Estate and Interest, in like Manner as if such Uses, Trusts, and Confidences had been manifested by a registered Deed.

Assurances registered at the same Time to have Priority according to the Time of Execution.

XXXV. And be it enacted and declared, That where any Two or more Assurances to be registered under this Act shall be registered at the same Time, such Assurances shall have Priority according to the Order of Time in which the same shall have been executed.

The Protection of the Act to extend to Persons who claim under Purchasers.

XXXVI. And be it enacted and declared, That every Person who shall claim without valuable Consideration under any Person who shall have claimed for valuable Consideration shall be entitled to the same Preference, Protection, and Advantage under the Provisions of this Act as the Person who shall have so claimed for valuable Consideration.

Protection by legal Estate and tacking not to be allowed.

XXXVII. And be it enacted, That in any Case in which Priority or Protection might but for this Act have been given or allowed in Equity to any Estate or Interest in Lands in Ireland, by reason or on the Ground of such Estate or Interest being protected by or tacked to any legal or other Estate or Interest in such Lands, no such Priority or Protection shall, after the Commencement of Registration under this Act, be so given or allowed, except as against any Estate or Interest which shall have existed prior to such Commencement; and full Effect shall be given in every Court of Equity to this present Provision, although the Party claiming such Priority or Protection as aforesaid shall claim as a Purchaser for valuable Consideration, and without Notice.

Power for any Person to require an Entry to be

XXXVIII. And be it enacted, That when any Assurance has been registered under this Act in the said Register Office, any Person may, by a Requisition in Writing under his Hand delivered at the said Register

Register Office, require the Registrar to make an Entry of such Assurance in the Index of Titles, under any Head or Heads to be specified in such Requisition; and such Entry shall express the Year and Day of the Month when the same is made, and the Book or Parcel in which such Assurance is made up, and the Number of such Assurance in such Book or Parcel, and (except in the Case where such Assurance is a Will) the Number of the Head under which such Assurance has been indexed.

made under any Head in Index of Titles referring to any Assurance indexed under any other Head.

XXXIX. And be it enacted, That where any Lands which shall be affected by an Assurance by this Act authorized to be registered shall be subject to any Term of Years or other particular Estate (whether vested or contingent or executory), or to any Charge (whether vested or contingent or executory), and such Assurance would (so far as this present Enactment does not operate) have the Effect, either immediately or at any Time afterwards, of merging or extinguishing such Term of Years or other particular Estate, or of releasing or extinguishing such Charge or any Part thereof, or any Interest therein or in any Part thereof, the same Assurance shall not have such Effect as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, whereby such Term of Years or other particular Estate or such Charge or Interest shall be assigned or otherwise affected by any Person, who, if such Merger, Release, or Extinguishment had not taken place, would have been entitled to make such Assurance, unless before the Registration of such subsequent Assurance an Entry of the Assurance which would have the Effect of merging, releasing, or extinguishing such Term of Years or other particular Estate, or Charge or Interest, or Part respectively, be made in the Index of Titles under the existing Head (if any) under which an Assurance of such Term of Years or other particular Estate, or Charge or Interest, if the same were subsisting, ought under the Provisions of this Act to be indexed or entered.

An Assurance which would have the Effect of merging any Interest not to have such Effect as against a subsequent Purchaser of such Interest, unless an Entry be made to lead such Purchaser to the Assurance.

XL. And be it enacted, That any Person may, by a Requisition in Writing under his Hand, delivered at the said Register Office, require a Caveat in respect of any Lands to be mentioned in such Requisition to be entered in the said Register Office in favour of any Person described in such Requisition; and the Requisitions for Caveats shall from Time to Time be made up into Books or Parcels, and numbered.

Power to enter a Caveat.

XLI. And be it enacted, That where a Caveat is so required to be entered an Entry shall be made in the Index of Titles under the same Head (whether an existing or new Head) and expressing the like Particulars as if the same were an Assurance to be registered

Mode of entering Caveats.

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F

under

under this Act affecting the Lands mentioned in the Requisition for such Caveat, and made by the Person requiring such Caveat to be entered; and where an Entry in the Land Index would be required under this Act if the Entry so made in such Index of Titles were an Entry of such Assurance, the like Entry shall be made in the Land Index in the Case of such Entry in such Index of Titles of such Caveat.

Extent of
Protection to
be afforded
by Caveats:

XLII. And be it enacted, That where a Caveat is duly registered under this Act as to any Lands, every Person claiming for valuable Consideration under any Assurance affecting the same 10 Lands to be made by the Person by whom the Entry of the Caveat has been required, or any Person claiming under him, to or with the Concurrence of the Person in whose Favour the Caveat was so entered, or his Heirs, Executors, Administrators, or Assigns, and registered in the Manner directed by this Act within *Three Calendar* 15 *Months* after the Caveat has been so entered as to such Lands, shall be entitled to the same Preference, Protection, and Advantage under the Provisions of this Act as if such Assurance had been executed and so registered as aforesaid at the Time of entering the Caveat.

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The Pro-
tection of
Caveats re-
stricted to
specified
Cases.

XLIII. Provided always, and be it enacted, That no Caveat which shall be entered under the Provisions of this Act shall be of any Force or Effect, except by way of Protection to a Contract entered into at or before the Date of the Entry of the Caveat, or by way of Protection to an Assurance for valuable Consideration made 25 or executed in pursuance of such Contract, or by way of Protection to any Assurance for valuable Consideration which at the Date of the Entry of the Caveat shall have been executed by some One or more of the Parties by whom the Lands shall be conveyed or otherwise affected, or by way of Protection to any Assurance for valuable Con- 30 sideration which shall have been in contemplation at the Date of such Entry; and no Caveat shall have any Force or Effect as against the Operation of the Bankruptcy or Insolvency of the Person requiring any Caveat to be entered, or any Act under such Bankruptcy or Insolvency.

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A Seal to be
kept, and the
Impressions
to be taken
judicial No-
tice of.

XLIV. And be it enacted, That there shall be made and kept at the said Register Office a Seal, to be called "The Seal of the Register Office," and judicial Notice shall be taken of the Impressions thereof in all Courts, without any Evidence of the said Seal having been impressed, or any other Evidence in relation thereto.

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XLV. And

- XLV. And be it enacted, That where there are duplicate Originals of any Assurance which is registered under this Act, it shall be lawful for any Person to bring or send to the said Register Office any duplicate Original which has not been deposited in the said Register Office, in order that the same may be compared with the deposited Original, and thereupon the Document so brought or sent shall be compared accordingly, and any Variances which may be found shall be noted in the Margin of such Document; and in every such Case the Seal of the Register Office shall be impressed on each Skin or Sheet of the Document brought or sent to be compared as aforesaid; and a Certificate, signed by the proper Officer of the said Register Office, shall be written at the Head or in the Margin of such Document, or shall be endorsed on the same, which Certificate shall contain a Statement that a Duplicate of the Document in or upon which the same is written has been deposited in the said Register Office, and shall state the Parties by whom the deposited Original appears to have been executed, and shall specify the Book or Parcel in which the same is made up, and the Number of the Document in such Book or Parcel; and every Document so sealed, with such Certificate thereon, containing such Statement, and purporting to be so signed as aforesaid, shall in all Cases be Evidence that another Part of the same Assurance has been deposited in the said Register Office, and is made up in the Book or Parcel mentioned in such Certificate, and is numbered in the said Book or Parcel as in such Certificate is specified.

Duplicates of deposited Documents may be compared at the Office, and certified.

Every Document so certified to be received as Evidence that another Part of the same Assurance has been deposited.

- XLVI. And be it enacted, That the Registrar shall cause to be provided for any Person applying for the same Copies or Extracts from any Document which has been deposited in the said Register Office under this Act; and in every Case when a Copy or Extract is so provided the Seal of the said Register Office shall be impressed on each Sheet of such Copy or Extract; and a Certificate, signed by the proper Officer of the said Register Office, shall be written at the Head or in the Margin of such Copy or Extract, or shall be endorsed on the same, which Certificate shall contain a Statement that the Copy or Extract on which the same is written is an examined Copy of or Extract from a Document deposited in the said Register Office, and shall specify the Book or Parcel in which such Document is made up, and the Number of such Document in such Book or Parcel; and every Document so sealed, with such Certificate thereon, containing such Statement and purporting to be so signed as aforesaid, shall be Evidence that such Document is a Copy or Extract from a Document deposited in the said Register Office, and made up in the Book or Parcel specified in such Certificate, and numbered in such Book or Parcel as in such Certificate

Copies of and Extracts from deposited Instruments to be provided, on Application, and to be certified.

The Seal of the Office, with a Certificate, to be Evidence of such Copies and Extracts.

Certificate is expressed, and of the Contents of the Document deposited in the said Register Office, or of such Part thereof as is purported to be extracted.

Where there are Duplicates of a registered Assurance, One Duplicate to be exempted from Stamp Duty, provided the deposited Document is duly stamped.

The Exemption not to apply to Duplicates of Leases where either Part is executed by Lessee.

XLVII. And be it enacted, That where there are duplicate Originals of any Assurance which has been registered under this Act, and 5 the duplicate Original which has not been deposited in the said Register Office is brought or sent to the said Register Office for the Purpose of being compared, such duplicate Original shall be exempted from the Stamp Duty or Duties payable thereon, provided the proper Stamp or Stamps has or have been impressed on 10 the deposited Original; and upon the duplicate Original which has not been deposited being brought or sent to the said Register Office for the Purpose of being compared as aforesaid, the proper Officer of the said Register Office shall endorse on such duplicate Original a Certificate specifying the Description and Amount of the Stamp or 15 Stamps which has or have been impressed on the deposited Original, which Certificate shall be stamped with the Seal of the said Register Office, and signed by the Officer by whom the same is given; and every such Certificate sealed and purporting to be signed as aforesaid shall be sufficient Evidence in all Courts and before all Persons that 20 the Stamp or Stamps specified in such Certificate is or are impressed on the Original deposited in the said Register Office as aforesaid, and that the Document on which such Certificate is endorsed is the duplicate Original exempted from Stamp Duty under this Enactment: Provided always, that where any such Certificate as aforesaid 25 is given under this Enactment the proper Officer of the said Register Office shall enter in the Margin of the Document deposited a Memorandum that a Duplicate thereof has been exempted from Stamp Duty, and no Certificate shall afterwards be given for exempting from Stamp Duty any duplicate Original of such Document: Pro- 30 vided also, that no such Certificate as aforesaid shall be given for exempting from Stamp Duty the Duplicate of any Lease in any Case where either the duplicate Original deposited in the said Register Office, or the duplicate Original brought or sent to the said Register Office for the Purpose of being compared as aforesaid, is executed by 35 the Lessee, unless another duplicate Original with the proper Stamp or Stamps (if any) shall at the same Time be produced at the said Register Office; and every Certificate which is so given in respect of any such Lease as aforesaid shall state the Names of the Parties by whom the Document on which such Certificate is endorsed appears at 40 the Date of the Certificate to have been executed, and if such Document be afterwards executed by any other Person the Certificate shall no longer be of any Force or Effect.

XLVIII. And

XLVIII. And be it enacted, That all Memorials and Copies to be registered pursuant to this Act, and all Copies and Extracts of or from any of the Documents to be deposited in the said Register Office, and all Extracts from any of the Indexes to be kept at the said Register Office, and all Certificates of the Result of Searches in the said Indexes, and all Requisitions for such Copies, Extracts, and Searches respectively, shall be exempt from Stamp Duty.

XLIX. And be it enacted, That no Document deposited in the said Register Office under this Act shall be removed from the same, except in obedience to any legal Process for the Production thereof, and none of the Indexes to be kept at the said Register Office as aforesaid shall be removed from the same on any Account whatsoever.

L. Provided always, and be it enacted, That where any Will has been registered under this Act by the Deposit of the original Will, the Registrar shall, upon the Request of any Person entitled to prove such Will, or to take out Letters of Administration to the Testator with such Will annexed, such Request to be testified by some Writing signed by and containing the Address of the Person making such Request, and specifying the Court in which the Will is desired to be proved, or in which Administration to the Testator with the Will annexed is desired to be taken out, cause such Will, together with a Certificate of the same having been deposited in the said Register Office, which Certificate shall be sealed with the Seal of the Register Office, and signed by the Registrar or an Assistant Registrar, to be transmitted to the Court so specified, in order that the same may be proved in such Court, or that Administration to the Testator with such Will annexed may be granted by such Court; and the Registrar or other the Chief Officer of the Court to which the same Will is so transmitted, or his Deputy, shall, immediately after such Will has been proved in such Court, or after Letters of Administration of the Effects of the Testator with such Will annexed have been granted by such Court, or immediately after the Termination of the Proceedings in such Court, cause the same Will to be returned to the said Register Office.

LI. And be it enacted, That, subject to such Regulations as may be made from Time to Time by the Commissioners of Her Majesty's Treasury, every Person, on Application at the said Register Office, shall be allowed to inspect and search any of the Indexes to be kept at the said Register Office as aforesaid, and to examine and inspect any of the Documents to be deposited in the said Register Office as aforesaid, and to take Extracts from any such Indexes or Documents

Searches of the Indexes to be made on Requisition, and Certificates given.

Documents as aforesaid; and the said Registrar shall, upon the Delivery of such Requisitions as under such Regulations may be required in this Behalf, give negative and other Certificates of the Result of Searches; and every such Certificate shall be sealed with the Seal of the said Register Office, and signed by the Registrar or an Assistant Registrar of the said Register Office.

The Duties of Attornies, &c. to be fulfilled by causing an Office Search to be made.

LII. And be it enacted, That in every Case in which it shall be the Duty of any Attorney, Solicitor, or certificated Conveyancer to make any Search in any of the Indexes to be kept at the said Register Office, such Attorney, Solicitor, or certificated Conveyancer shall be held to have fulfilled his Duty in that Behalf by making an Application at the said Register Office for such Search to be made, and obtaining a Certificate of the Result of the same, and shall not be responsible for any Error or Mistake in the Result of such Search as stated in such Certificate; and in all other Cases every Attorney, Solicitor, or certificated Conveyancer shall stand indemnified in relying on the Accuracy of any Certificate to be made or given in pursuance of this Act.

Attornies, &c. indemnified in relying on the Accuracy of Certificates.

Power to the Registrar to order that Documents to be deposited shall be written bookwise, or otherwise, &c.

LIII. And be it enacted, That for facilitating the making up into Books or Parcels of the several Documents to be deposited at the said Register Office as aforesaid, and for the Convenience of Reference thereto, it shall be lawful for the Registrar from Time to Time (either before or after the Commencement of Registration under this Act), by a Notice to be published at least *Four* Times in the "Dublin Gazette," of which the last Time shall be not less than *Three Calendar Months* before the Time when the same is intended to take effect, to order and direct that all Documents of any Description to be specified in such Notice which shall be brought or sent to the said Register Office in order to be deposited in the same under this Act (with any Exceptions which shall be specified in such Notice) shall be written or ingrossed bookwise, or in such other Manner as shall be specified in such Notice, and shall be written or ingrossed either on Paper, Vellum or Parchment, as shall in that Behalf be in such Notice directed, and to order and direct that such Paper, Vellum, or Parchment shall be of such Description and of such Shape and Dimensions as in such Notice shall be specified; and if in any Case after the Time when any Notice to be given in pursuance of this Power has taken effect any Document within the Meaning of such Notice be brought or sent to the said Register Office to be deposited as aforesaid, which is not conformable with the Direction or Directions in respect of the same contained in such Notice, the Person by whom the Application for the Registration or for entering the Caveat is made shall pay, in addition to the ordinary

Additional Payment on Persons sending Documents to be deposited which shall not be conformable with such Order.

nary Fee herein-after made payable for the same, such extra Fee as the Registrar may in each Case think fit, not exceeding the Amount of the said ordinary Fee.

LIV. And be it enacted, That it shall be lawful for the Registrar
 5 from Time to Time, either before or after the Commencement of
 Registration under this Act, by a Notice to be published not less
 than *Four Times* in the "Dublin Gazette" (of which the last Time
 shall be at least *Three Calendar Months* before the Time when the
 same shall be intended to take effect), to require that any Statements
 10 which may appear to the said Registrar necessary or proper for direct-
 ing or regulating the Entries to be made on Registration, and for
 affording Information for the making of such Entries, shall be made
 and brought or sent to the said Register Office; and it shall also be
 lawful for the Registrar by any such Notice to specify the Form of
 15 such Statements as aforesaid, and to require that the same shall be
 signed by the Persons respectively requiring the Registration, and
 shall contain the Address of such Persons respectively, and also to
 require that the same shall be either written in or endorsed on the
 Documents to be deposited as aforesaid, or written on separate Papers,
 20 as the Registrar shall think fit.

Power to the Registrar to require Statements for regulating the Entries to be sent with Assurances.

LV. And be it enacted and declared, That nothing in this Act
 contained shall render the Registrar or any other Officer of the said
 Register Office in any way responsible or liable in respect of any
 Loss or Damage which may be sustained or incurred by any Person
 25 in consequence of the Omission of any Entry or Reference required
 by this Act on the Registration of any Assurance, or in consequence
 of any Delay in making any such Entry or Reference, or in conse-
 quence of any Error in any such Entry or Reference, in any Case
 where no Statement has been sent to the said Register Office conform-
 30 ably with any such Order as aforesaid, or in any Case where such
 Statement has been so sent as aforesaid and Entries or References in
 conformity therewith have been made.

No Officer of the Register Office to be responsible for Omissions or Mistakes occasioned by Defects in the Statement.

LVI. And be it enacted, That the Registrar shall be entitled and
 he is hereby directed to have and take the Fees specified in the Sche-
 35 dule annexed to this Act, for the Acts and Things for which the same
 Fees respectively are in the same Schedule expressed to be payable.

The Fees specified in the Schedule to be paid.

LVII. And be it enacted, That it shall be lawful for the Com-
 missioners of Her Majesty's Treasury to make such Orders,
 Rules, and Regulations as they from Time to Time deem proper,
 40 as to the Mode and Time in and at which the Documents herein-
 before directed to be made up into Books or Parcels and numbered
 25. shall

Power for the Treasury to make Regulations as to numbering Documents, making Entries,

examining
Documents,
making
Copies, Ex-
tracts, and
Searches,
granting
Certificates,
&c.

shall be so made up and numbered; and as to the Manner and Time in and at which the Entries hereby directed to be made shall be made; and as to the Use of the Seal of the said Register Office; and as to the Examination and Comparison of duplicate Originals of deposited Documents, and the granting of Certificates with reference thereto; and as to the making of Copies of and Extracts from deposited Documents, and the granting of Certificates with reference thereto, and the Restrictions and Conditions under which such Copies, Extracts, or Certificates shall be given; and as to the making Searches of and providing and issuing Extracts from any of the Indexes to be kept at the said Register Office, and granting Certificates with reference thereto; and as to the Forms of Requisitions for such Copies, Extracts, or Searches as aforesaid, and the giving of Receipts for Documents received at the said Register Office; and as to the Mode in which and the Restrictions and Conditions under which Searches of the Indexes kept at the said Office, and Inspection of the Documents deposited there, shall be permitted; and as to the Payment and Application of the Fees received by the Registrar or by the said Office; and as to the Expenses and Disbursements of the said Office, and the auditing of the Accounts thereof; and as to all other Matters and Things whatsoever connected with the Regulation and Management of the said Register Office and the Execution of this Act, not specially hereby provided for; and from Time to Time to alter, vary, or revoke any such Order, Rule, or Regulation, and make any new Orders, Rules, and Regulations for the Purposes aforesaid; and by any such Order, Rule, or Regulation as herein-before mentioned to leave or refer any of the several Matters aforesaid, or any other Matter connected with the Execution of this Act, to the Discretion of the Registrar.

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Registration
under this
Act to have
the same Ef-
fect against
Acts prior to
Commence-
ment of Re-
gistration
as Registra-
tion under
former Acts.

LVIII. And be it enacted, That the Registration under this Act of any Assurance executed after the Commencement of Registration under this Act, or of any Will of any Testator who shall die after such Commencement of Registration, or of any Appointment, Choice, Act and Warrant, Nomination or Order, made after such Commencement, in any Bankruptcy or Insolvency, shall have the same Effect in giving Validity and Priority to such Will or other Assurance, Appointment, Choice, Act and Warrant, Nomination or Order, as against Persons claiming under any Assurance made before the Commencement of Registration under this Act, or under any Will made by any Testator who has died before such Commencement, as the Registration of a Memorial of such Assurance executed after such Commencement of such Will of any Testator who shall die after such Commencement, or the Registration of the proper Document evidencing

evidencing such Appointment, Choice, Act and Warrant, Nomination or Order, so respectively made after such Commencement, would have had in case this Act had not been passed, and such Memorial or Document had been registered at the Time at which such Assurance, Will, Appointment, Choice, Act and Warrant, Nomination or Order, shall be registered under the Provisions of this Act.

LIX. Provided always, and be it enacted, That no Decree or Order of any Court of Equity, except as herein-before particularly mentioned, and no Judgment, Rule, Statute, or Recognizance, (whether
 10 the same be obtained or entered into in the Name or upon the Account of Her Majesty, Her Heirs or Successors, or of any other Person,) and no Inquisition and no Obligation or Specialty made to Her Majesty, Her Heirs or Successors, and no Acceptance of Office whereby the Lands of the Officer become chargeable, and no Lis Pendens, shall
 15 be registered under the Provisions of this Act, but every such Decree, Order, Judgment, Rule, Statute, Recognizance, Inquisition, Obligation, Specialty, Acceptance of Office, and Lis Pendens entered or registered under the Provisions of an Act passed in the Session of the Seventh and Eighth Years of the Reign of Her present Majesty,
 20 intituled "An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing One Office for the registering all Judgments in Ireland, and for amending the Laws in Ireland respecting Bankrupts and the Limitation of Actions," shall have the same Protection
 25 of Priority as if this Act had not been passed, a Registration of any Assurance, Will, or other Act under the Provisions of this Act being for the Purposes of this Enactment to be deemed to have the same Effect as a Registration by Memorial under the Provisions of the Acts now in force for the Registration of such Assurance, Will, or
 30 Act respectively.

Entries of Decrees, Judgments, Rules, Statutes, Recognizances, Crown Debts, and Acceptances of Office under 7 & 8 Vict. c. 90. not affected.

LX. Provided also, and be it enacted, That such Transfers and other Assurances of or relating to Shares in any public or private Works or Undertaking of any Corporation, Company, or Society, as
 35 by virtue of any local or other Act of Parliament are or shall be required to be registered or otherwise entered or minuted in the Books of the Corporation, Company, or Society, shall not be affected in any Manner whatever by reason of the same not having been registered under the Provisions of this Act.

Shares in Companies not to be affected.

LXI. And be it enacted, That if any Person shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated, or knowingly act or assist in forging, counterfeiting, or imitating, upon any Document upon which the Seal of the said
 40 Register
 25.

Punishment for forging Signatures required by this Act, or counterfeit.

ing Impressions of the Seal of the Register Office.

Register Office is or shall be required or authorized to be impressed, the Impression or any Part of the Impression of the Seal of the said Register Office, or shall knowingly stamp or mark, or cause or procure to be stamped or marked, or knowingly act or assist in stamping or marking, any such Document with any forged or counterfeited Seal 5 of the said Register Office, with the Intent to defraud any Person whomsoever, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting, the Name, Signature, or Handwriting of any Officer of the said Register Office, in any Case in which the Signature of such 10 Officer is or shall be required or authorized to be made, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting, the Name, Signature, or Handwriting of any Person whomsoever to any Document which is or shall be required or directed to be signed by 15 such Person, or shall, with an Intention to defraud any Person whomsoever, use any Document upon which any Impression or Part of the Impression of any Seal of the said Register Office shall have been forged, counterfeited, or imitated, knowing the same to be forged, counterfeited, or imitated, or any Document the Signature 20 of which shall be so forged or counterfeited as aforesaid, knowing the same to be forged or counterfeited, every such Person so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported 25 beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than One Year.

Interpretation Clause.

LXII. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby 30 assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; Words importing the Masculine Gender shall include Females; the 35 Word "Person" and Words applying to any Person or Individual shall apply to and include Corporations, whether aggregate or sole; the Word "Lands" shall extend to all Manors, Messuages, Lands, Advowsons, Rectories, Tithes, Rents, and other Hereditaments whatsoever, whether corporeal or incorporeal, and also to any Estate or 40 Interest in any such Manors, Messuages, Lands, Advowsons, Rectories, Tithes, Rents, or other Hereditaments, whether the same be a Freehold or a Chattel Interest, and whether legal or equitable; the Word "Assurance" shall extend to a Contract; the Word "Will" shall

"Lands:"

"Assurance:"

shall extend to a Codicil and to an Appointment by Will or by Writing in the Nature of a Will in exercise of a Power; the Word "Will:"
"Person" shall extend to a Body Corporate as well as an Individual; "Person:"
the Word "Title" shall extend to a Power or Right to convey or
5 otherwise affect Lands; the Word "Grantor" shall apply to any "Grantor:"
Person by whom Lands shall be conveyed, appointed, charged, or
otherwise affected; and every Person claiming derivatively under
any Assurance shall be considered as claiming under the same; and
the Word "Addition" where the Addition of any Person whose "Addition."
10 Name is required by this Act to be entered in any Index to be kept
at the said Register Office is hereby directed to be entered with such
Name shall mean the Description as to Residence, Title, Rank,
Profession, or Occupation.

LXIII. And be it enacted, That this Act may be amended or Act may be
15 repealed in this present Session of Parliament. amended, &c.

SCHEDULE.

Registration of Deeds.

(Ireland.)

A

B I L L

To amend the Laws for the Registration
of Assurances of Lands in Ireland.

*(Prepared and brought in by
Mr. Solicitor General, Sir George Grey, and
Sir William Somerville.)*

*Ordered, by The House of Commons, to be Printed,
7 February 1850.*

25.

Under 5 oz.

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